99/39

GAO REPORT ON NAZI WAR CRIMINALS IN THE UNITED STATES

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND INTERNATIONAL LAW

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

NINETY-NINTH CONGRESS

FIRST SESSION

ON

GAO REPORT ON NAZI WAR CRIMINALS IN THE UNITED STATES

OCTOBER 17, 1985

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GAO NAZI REPORT ON NAZI WAR CRIMINALS IN THE UNITED STATES

THURSDAY, OCTOBER 17, 1985

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE ON IMMIGRATION,
REFUGEES, AND INTERNATIONAL LAW,
Washington, DC.

The subcommittee met, pursuant to call, at 1 p.m., in room 2226, Rayburn House Office Building, Hon. Romano L. Mazzoli (chairman of the subcommittee) presiding.

Present: Representatives Mazzoli, Frank, Crockett, Berman, Schumer, Bryant, Fish, Sensenbrenner, and McCollum.

Staff present: Arthur P. Endres, Jr., counsel; Peter Regis, legislative assistant; Lynn Conway, assistant counsel; Thomas M. Boyd, associate counsel.

Mr. MAZZOLI. The committee will come to order.

Today the Subcommittee on Immigration, Refugees, and International Law is holding an oversight hearing on the GAO report issued June 28, 1985, entitled "Nazis and Axis Collaborators Were Used to Further U.S. Anti-Communist Objectives in Europe—Some Immigrated to the United States."

This report was prepared pursuant to a request of the Judiciary Committee. This is the second report on the subject issued by GAO. The first GAO Report of May 1978 was also issued pursuant to a request of this committee. The committee wanted to know whether the lack of apparent progress by the Immigration and Naturalization Service in investigating and prosecuting alleged Nazi war criminals residing in the United States was due to a conspiracy involving Service personnel and possibly other Federal agencies.

The first GAO Report found it unlikely that a widespread conspiracy existed but it could not rule out the possibility of undetected isolated instances and deliberate obstruction.

The second GAO Report, the one of this summer, was requested by the committee as a followup to the earlier report. In this current report, GAO was specifically requested to one, inquire whether there were any U.S. Government programs to help Nazi war criminals or Axis collaborators immigrate to the U.S. and conceal their backgrounds and two, whether U.S. agencies worked with and protected Klaus Barbie, a former Gestapo chief at Lyon, France.

That aspect is not material to today's hearing which will be only on the report.

Our witnesses today are representatives from the U.S. Government Accounting Office, (GAO); Mr. Neal Sher, Chief of the Office of Special Investigations of the Department of Justice; and Mr. John Loftus, formerly associated with OSI, whose attendance was requested by a colleague.

We will first have the gentlemen from GAO Mr. Jones, Mr. Tipton, and Mr. Glick.

I will yield to Mr. Jones, the lead witness, I understand. Your statement will be made a part of the record, and you may proceed.

TESTIMONY OF ARNOLD P. JONES, ASSOCIATE DIRECTOR, GENERAL GOVERNMENT DIVISION, GENERAL ACCOUNTING OFFICE; JOHN TIPTON, SENIOR EVALUATOR, GENERAL ACCOUNTING OFFICE; ROBERT GLICK, SENIOR EVALUATOR, GENERAL ACCOUNTING OFFICE

Mr. JONES. Thank you, Mr. Chairman, Mr. Frank, Mr. Bryant. I would like to read a somewhat shortened version of our statement.

We are pleased to be part of your hearings this afternoon. As you requested, our testimony is focused on a report we issued in June, titled "Nazis And Axis Collaborators Were Used To Further U.S. Anti-Communist Objectives In Europe—Some Immigrated To The United States." The report, requested by the Chairman of the House Committee on the Judiciary, was directed primarily at determining whether there were any post World War II U.S. Government programs to help Nazi war criminals and collaborators immigrate to the United States and to conceal their backgrounds.

The essence of our report was that we found no evidence of any U.S. agency program specifically designed to aid Nazis or Axis collaborators to immigrate to the United States. But, intelligence agencies aided these types of aliens on an individual basis to immigate. However, and this is important for us to say for the record—we cannot be sure, for reasons noted later, that we obtained all relevant information or identified all Nazi and Axis collaborators whom U.S. agencies helped immigate. We also cannot generalize as to the total number of individuals whose immigrations were so assisted.

I think this gets at one of the concerns of the subcommittee, as to our methodology and investigative approach. I want to deviate from my statement to address that.

There is some concern by those who have been involved in these matters about the scope and methodology GAO employed in developing its report. Mr. Tipton, who is my lead investigator, from the previous work that he did for the subcommittee, is certainly an expert at this point. In doing the work we did for you before, Mr. Tipton visited and interviewed the chief of the Israeli Police, Section for Investigation of Nazi War Crimes in Tel Aviv, Israel; the U.S. Berlin Document Center Director; the Director, Document Center for Nazi War Crimes in Vienna; the Director, International Criminal Section of Federal Republic of Germany Justice Ministry in Bonn; and the Director of the Central Authority of the State Justice Administration in Ludwigsburg, Germany.

During that work, he built up a lot of expertise. That was brought to bear on the second assignment. During the course of

that assignment, the staff traveled extensively domestically to interview former intelligence agents, and overseas.

Now, to make the best of the data we worked from, the crossfiles of agencies relating to our investigation were not cataloged by whether a person had an alleged Nazi or Axis collaborationist past. There was not a universe of pertinent files by which, for example, a sample of Nazis or Axis collaborators could be drawn. Selection of files to review therefore became more an investigative process then an audit process.

In an audit process we would have sorted out a universe of identifiable characteristics, taken a sample from that, done an analysis and hoped to make inferences that we could generalize to the entire population. We were not able to do that for the reasons I just mentioned.

Initially we judgmentally selected 11 aliens to review from information provided by 2 private sources on 13 aliens. We subsequently reviewed U.S. intelligence personnel files on 103 other aliens, including the 2 not reviewed from the initial allegations, in addition to organization and project files such as Radio Free Europe project files.

Information in the agencies' files pertaining to the initial 11 reviewed helped to identify many of the other aliens. In reviewing their files, others were identified but not all were reviewed.

We reviewed only those files where other information indicated that the aliens may have been Nazis or Axis collaborators, or members of Nazi or Fascist organizations who either, (1) had contact with or participated in U.S.-sponsored intelligence operations; (2) had immigrated or sought to immigrate to the United States; or (3) were notorious aliens who had had an association with a Nazi or Axis collaborator who had been a contact of U.S. intelligence agencies.

In conducting our review, we requested the departments and agencies to identify for us records or other sources of information on (1) alleged Nazi war criminals assisted by Federal agencies in the United States; (2) any Federal program or activity to assist alleged Nazi war criminals to enter the United States or aid them after their entry; and (3) any investigations or mutual studies related to the above.

Additionally, we requested any and all information that the departments or agencies had about the Office of Policy Coordination, as you know a post-war covert intelligence agency. We contacted OSI, Department of Justice, which told us that of the cases they investigated, only one case previously unknown to us may have involved a U.S. agency and the immigration into the United States of an alleged criminal.

To date, the Department has received about 900 allegations of Nazi war criminals living in the United States.

Finally, during the course of the review, we had access to thousands of classified and unclassified documents in all the departments and agencies. We were not denied access to any documents requested. However, intelligence agencies often assign projects rather innocuous names that don't reflect the project's purpose. Therefore, we cannot be sure that we requested all relevant project files. .

In addition, some documents requested could not be located or had been destroyed. However, these instances in our judgment were the exceptions rather than the rule. The deaths of certain officials and unclear recollections by others of events from the post World War II era made it impossible or difficult to reconstruct certain circumstances.

With that, I conclude my statement and I am prepared to respond to questions from you and your colleagues.

[The statement of Mr. Jones follows:]

STATEMENT OF ARNOLD P. JONES

Mr. Chairman and members of the subcommittee: We are pleased to be part of your hearings this afternoon. As requested, our testimony is focused on a report we issued in June 1985 titled Nazis and Axis Collaborators Were Used To Further U.S. Anti-Communist Objectives In Europe—Some Immigrated To The United States. The report, requested by the Chairman of the House Committee on the Judiciary, was directed primarily at determining whether there were any post World War II U.S. government programs to help Nazi war criminals and collaborators immigrate to the United States and to conceal their backgrounds.

The essence of our report was that we found no evidence of any U.S. agency program specifically designed to aid Nazis or Axis collaborators to immigrate to the United States. But, intelligence agencies aided these types of aliens on an individual basis to immigrate. However, we cannot be sure, for reasons noted later, that we obtained all relevant information or identified all Nazi and Axis collaborators whom U.S. agencies helped immigrate. We also cannot generalize as to the total number of individuals whose immigrations were so assisted.

Some programs, designed for other purposes, may have aided aliens with questionable backgrounds to immigrate to the United States. Under the Paperclip project, whereby the United States employed and brought into the country German scientists, the policy not to employ war criminals may have been violated. For example, one scientist returned to Germany voluntarily and renounced his U.S. citizenship rather than face denaturalization and deportation hearings. Also, Section 8 of the Central Intelligence Agency Act of 1949 allows the CIA to bring 100 individuals a year into the United States for national security reasons regardless of their past.

In addition to these two programs, several programs aided the resettlement of U.S.-employed foreign agents. These programs resettled aliens in various countries including the United States. We looked at two resettlement programs but found no questionable immigration of aliens to the United States.

One program we identified was established by the CIA in the early 1950s, among other things, this program resettled some Soviet and East European defectors and some terminated CIA-employed aliens to other countries from the European area. Resettlement benefits accrued to aliens based on their cooperation, the length of their relationship with the United States, and the significance of their contribution to U.S. intelligence and its objectives. The documentation we reviewed showed that roughly 30 percent of these aliens were resettled in the United States and the majority of these were defectors. In addition, the documentation on the program and the cases we reviewed showed that U.S. immigration laws were respected.

In addition to the above resettlement program, the CIA during the mid-1950s initiated a program to bring to the United States aliens whose service had been completed but whose immigration was desirable to maintain the security of intelligence missions and the aliens' safety. A key feature of this program enabled the CIA to conduct the background investigations required to assure that the aliens were eligible to immigrate. The State Department's visa personnel normally conduct such investigations; however, in these cases the CIA believed that security concerns warranted a revised procedure. With the cooperation of the State Department and INS, the revised procedure was instituted.

From a listing of aliens resettled, we identified and reviewed the files of all aliens with German or East European backgrounds who were old enough to have participated in the war and who came to the United States under this program, a total of 17 aliens. Our review did not identify any questionable background information that would have disqualified these aliens' immigrations. Before our review of their files there was no indication of Nazi or Axis affiliations.

Files at the agencies relating to our investigation were not catalogued by whether a person had an alleged Nazi or Axis collaborationist past. As a result, there was

not a universe of pertinent files by which, for example, a sample of Nazis or Axis collaborators could be drawn. Selection of files to review, therefore, became more an investigative process than an audit process. Initially, we judgmentally selected 11 aliens to review from information provided by two private sources on 13 aliens. We subsequently reviewed U.S. intelligence personnel files on 103 other aliens including the 2 aliens not reviewed from the initial allegations, in addition to organization and project files such as Radio Free Europe project files. Information in the agencies' files pertaining to the initial 11 aliens reviewed identified many of the other aliens. In reviewing their files, other aliens were identified but not all were reviewed. We reviewed only those files where other information indicated that the aliens may have been Nazis or Axis collaborators or members of Nazi or Fascist organizations who either (1) had contact with or participated in U.S.-sponsored intelligence operations, (2) had immigrated or sought to immigrate to the United States, or (3) were notorious aliens who had an association with a Nazi or Axis collaborator who had been a contact of U.S. intelligence agencies.

Out of 114 aliens we selected for review, we identified 5 with undesirable or questionable backgrounds who were employed by U.S. intelligence agencies and who received some form of assistance to immigrate to the United States. In addition, we identified seven aliens with undesirable or questionable backgrounds who immigrated to the United States without any identifiable assistance. Among the five assisted aliens were: two alleged war criminals, a former Nazi Allgemeine-SS officer, a convicted conspirator in an assassination, and a traitor. In each of these five cases, the aliens were aided individually, not as part of a specific aid program for ex-Nazis and collaborators.

There were two cases where aliens were protected from investigation. In one case, we were unable to identify any action taken by an intelligence agency once it learned of derogatory information about one alien's wartime background; and in another instance, a subject, considered extremely valuable by U.S. intelligence, was brought into the United States under an assumed name. In the latter case, the CIA subsequently requested and received approval for the subject's permanent residence in the United States under Section 8 of the CIA Act of 1949. In both cases, the backgrounds of these individuals had been sanitized to some extent.

The use of Nazis and Axis collaborators by U.S. intelligence agencies was attributed to conditions following World War II. A series of rifts with the Soviet Union resulted in a deterioration in East-West relations and the spread of communism in Eastern and Western Europe led President Truman to declare a global commitment to fight communism.

Former U.S. intelligence officers told us and our review of intelligence files confirmed that ex-Nazis, including Gestapo, SS, and members of East European Fascist organizations, were employed by U.S. intelligence. However, as one former intelligence officer stated, the use of some of these aliens may have been a mistake but it was a mistake committed without malice. He added that their use was a matter of weighing their present value versus their past history. Another former intelligence officer also endorsed this present value justification. He told us that if a person was a war criminal, the decision of whether or not to use him depended on what he could do for you.

Although we found no written guidance prohibiting the use of alleged war criminals or collaborators, we did find several instances where the use of some aliens was rejected because their wartime pasts compromised their usefulness. In some cases their use was rejected because knowledge of their employment would have been an embarrassment to the United States.

In conducting our review, we requested that the departments and agencies identify for us records or other sources of information on (1) alleged Nazi war criminals assisted by federal agencies into the United States, (2) any federal program or activity to assist alleged Nazi war criminals to enter the United States or aid them after their entry, and (3) any investigations or mutual studies related to the above. Additionally, we requested any and all information the departments or agencies had about the Office of Policy Coordination, a postwar covert intelligence agency.

We contacted the Office of Special Investigations, Department of Justice, which told us that of the cases they investigated, only one case, previously unknown to us, may have involved a U.S. agency and the immigration into the United States of an alleged war criminal. To date, the Department has received about 900 allegations of Nazi war criminals living in the United States.

During the course of the review we had access to thousands of classified and nonclassified documents at all of the departments and agencies. We were not denied access to any documents requested; however, intelligence agencies often assign projects innocuous names that do not reflect the projects' purposes. Therefore, we

cannot be sure that we requested all relevant projects' files. In addition, some documents requested could not be located or had been destroyed. However, these instances were the exception rather than the rule. The deaths of certain officials and the unclear recollections by others of events from the post World War II era made it difficult and/or impossible to reconstruct certain events, circumstances, and situations.

Mr. Chairman, this concludes my prepared statement. I will be happy to answer any questions you may have at this time.

[A report by the Comptroller General follows:]

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON D.C. 20548

B-125051

The Honorable Peter W. Rodino, Jr.
Chairman, Committee on the Judiciary
House of Representatives

Dear Mr. Chairman:

This report is in response to your May 17, 1982, request that we investigate allegations that federal agencies aided the immigration of Nazi war criminals and collaborators to the United States and concealed their backgrounds once they were admitted. The report describes the conditions that existed following World War II and the actions U.S. intelligence agencies took in response to those conditions. These actions included the utilization of the above types of individuals, some of whom immigrated to the United States.

As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from the date of the report. At that time we will send copies to the Department of Justice, the Department of Defense, the Department of State, the Central Intelligence Agency, congressional committees with a jurisdictional interest, and other interested parties. Additionally, we will make copies available to others upon request.

Sincerely yours,

Milton J. Socolar

Acting Comptroller General
of the United States

EXECUTIVE SUMMARY

Allegations that Nazi war criminals immigrated to the United States have been publicly raised since the end of World War II. At the request of the Chairman, House Committee on the Judiciary, GAO addressed two questions:

--Were there any U.S. government programs to help Nazi war criminals and collaborators immigrate and to conceal their backgrounds?

--Did U.S. intelligence agencies work with and protect former Lyon, France, Gestapo chief Klaus Barbie?

BACKGROUND

After World War II, some 550,000 refugees and other displaced persons entered the United States under the Displaced Persons Act and the Refugee Relief Act. These acts, as amended, as well as other postwar legislation, prohibited immigration of war criminals and other persecutors. (See p. 1.)

Before World War II ended, the Allied nations of the United States, the United Kingdom, and the Soviet Union began planning to prosecute individuals who were believed to have committed war crimes. The Army's Counter Intelligence Corps was the U.S. military's primary group for finding and arresting Nazis. (See pp. 8 and 9.)

Although the United States and Soviet Union made agreements and cooperative efforts to bring Nazis to justice, postwar rifts between the two countries developed over such issues as the makeup of Eastern Europe and Middle East oil concessions. By mid-1946, U.S. intelligence units were being asked to obtain military and political data on the Soviet Union in the shortest time possible. The growth of Communist parties in France, Italy, Germany, and Greece further increased U.S. suspicion and mistrust of the Soviet Union. In March 1947 President Truman, addressing the Congress, asked Americans to make a global commitment against communism. (See pp. 13 and 14.)

U.S. intelligence units found themselves ill-prepared to obtain the information needed on Soviet intentions and capabilities. Wartime intelligence units had been disbanded and many experienced personnel had returned to private

careers. Efforts began to build new organizations (the CIA was established in 1947) and to increase U.S. covert intelligence capabilities. (See pp. 14 to 16.)

RESULTS IN BRIEF

As the Cold War began, U.S. intelligence units knowingly employed alleged Nazis and Axis collaborators in order to obtain information about Soviet intentions and capabilities. (See pp. 19 to 21.) GAO did not find evidence of any specific program to help such persons immigrate to the United States, and most of those used remained in Europe. (See pp. 25 and 26.) However, GAO did find some evidence that intelligence agencies aided Nazis and Axis collaborators to immigrate on an individual basis. Two of them were subsequently protected from investigation. (See pp. 29 to 35.)

A special 1983 Department of Justice report on Klaus Barbie found that U.S. Army Counter-Intelligence Corps officers had employed him, protected him from extradition to France where he was wanted for war crimes, and organized his escape to South America. The report commented that often there is a need for information that necessitates dealing with criminals, former enemies, and other undesirable persons.

GAO's ANALYSIS

Lacking an intelligence network targeted against its former ally, the Soviet Union, U.S. intelligence units turned to European anti-Communist resources to fill information gaps. These resources included former German and East European intelligence operatives and East European emigre political groups. Among them were Nazis (including Gestapo and SS members) and members of East European Fascist organizations. They were considered invaluable as informants. For example, GAO was told that in order to learn more about German Communists, U.S. intelligence officers decided to question former Gestapo and SS members who had worked against such Communists. (See pp. 19 to 21.) GAO did note instances in which use of some Nazis and collaborators was rejected on the basis of their pasts. (See pp. 23 and 24.)

Immigration Assistance

GAO analyzed the files on 114 Europeans (see pp. 5 and 6 for selection methodology) and identified 12 Nazis or Axis collaborations who immigrated to the United States and who appeared to have undesirable or questionable backgrounds. (See p. 18 for definition.) Of the twelve identified, GAO found that five received assistance; four of these had assisted U.S. intelligence agencies; and the fifth may have. Among the five were two alleged war criminals, a Nazi SS officer, a convicted conspirator in an assassination, and a traitor. (See p. 29.) The level of assistance varied. For example, one individual was brought into the United States under an assumed name (see p. 34); another was accompanied to the consular office by an intelligence officer whose agency followed up on the immigration. (See pp. 32 and 33.) The other seven immigrants, who were associated with U.S. or allied intelligence, were not given immigration assistance. (See pp. 35 to 40.) GAO could not generalize as to the total number of individuals whose immigrations were so assisted.

During the course of the review GAO had access to thousands of classified and nonclassified documents at all of the departments and agencies. GAO was not denied access to any documents requested; however, intelligence agencies often assign projects innocuous names which do not reflect the projects' purposes and, therefore, GAO cannot assure that it requested all relevant projects' files. In addition, some documents requested could not be located or had been destroyed. However, these instances were the exception rather than the rule. The deaths of certain officials and unclear recollections of others made it impossible to reconstruct certain situations and events. GAO cannot be sure that it obtained all relevant information or identified all Nazi and Axis collaborators whom U.S. agencies helped immigrate. However, GAO believes its review was sufficiently broad and unrestricted to state that this report fairly portrays the conditions that existed following World War II.

EXECUTIVE SUMMARY

Protection of Klaus Barbie	GAO detected no discrepancies between what it found in its independent evaluation of the documentation relating to Barbie and its own interviews and what was in the Department of Justice report. (See pp. 21 to 23.)
RECOMMENDATIONS	This report is to provide information only. GAO is making no recommendations as the result of this work.
AGENCY COMMENTS	The Department of State, the CIA, the Department of Justice, and the Department of Defense reviewed the report and had no comments or substantive suggestions for revising the report. (See p. 7.)

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ABBREVIATIONS

CIA	Central Intelligence Agency
CIC	Counter Intelligence Corps
FBI	Federal Bureau of Investigation
GAO	General Accounting Office
INS	Immigration and Naturalization Service
OPC	Office of Policy Coordination
OSI	Office of Special Investigations
OSS	Office of Strategic Services
SHAEF	Supreme Headquarters Allied Expeditionary Force

GLOSSARY OF TERMS

Abwehr - The foreign and counterintelligence department of the German High Command of the armed forces.

Allies - The nations aligned against the Axis during World War II, consisting principally of the United States, Great Britain, and the Soviet Union.

Axis - The nations aligned against the Allies during World War II. It originally applied to Nazi Germany and Fascist Italy but later included Japan.

Gestapo - A secret police force dedicated to the maintenance of the Nazi regime by identifying and eliminating all dissidents, complainers, and opponents.

SS - Originally the black-shirted personal guard of Hitler, the SS served as a political police organization of the party dedicated to maintaining Nazi principles. It was also assigned the duty of administering concentration camps and extermination camps.

Allgemeine-SS - The overall body of the SS.

Waffen-SS - The military arm of the SS which became noted for its tough fighting qualities.

SD - The intelligence branch of the SS. The SD was responsible for the entire security of the Third Reich and included several police forces including the Security Police and the Criminal Police.

CHAPTER 1

INTRODUCTION

The Chairman, House Committee on the Judiciary, requested that we investigate allegations that federal agencies aided the immigration of Nazi war criminals and collaborators to this country and concealed their backgrounds once they were admitted. The term "alleged Nazi war criminal" has been a commonly used but somewhat misused term. The majority of the individuals investigated for illegally entering the United States, against whom war crimes allegations have been made, were not German Nazis but Axis collaborators. These collaborators came from countries which allied themselves with Nazi Germany or Fascist Italy, many of which are now under Communist rule, e.g. Latvia, Estonia, Rumania, Poland, and Hungary.

DISPLACED PERSONS AND REFUGEE LEGISLATION PROHIBITED IMMIGRATION OF WAR CRIMINALS AND OTHER PERSECUTORS

To help resolve the problem created by the presence in Europe of more than 1 million postwar displaced persons, measures were taken to facilitate the immigration of aliens to the United States. On December 22, 1945, President Truman issued a directive allowing 40,000 displaced persons to be admitted to this country. After studying this problem, Congress passed the Displaced Persons Act of 1948. Through June 30, 1953, 339,698 persons were admitted to the United States under the act, as amended.

The continuing concern of the United States about the displaced persons problem and the increasing numbers of refugees and escapees from behind the Iron Curtain led to the enactment, on August 7, 1953, of the Refugee Relief Act of 1953. This act permitted 214,000 aliens to become permanent residents of the United States above and beyond the admissions authorized under the then existing law (Immigration and Nationality Act, 1952). Of these 214,000 aliens, the vast majority were refugees and escapees from Communist persecution or from natural calamity or military operations.

The Refugee Relief Act and the Displaced Persons Act, as amended, contained provisions for barring entry to those who had advocated or assisted in the persecution of other persons on the basis of race, religion, or national origin. Section 13 of the Displaced Persons Act, as amended on June 16, 1950, provided that

> "No visas shall be issued under the provisions of this Act, as amended, . . . to any person who advocated or

assisted in the persecution of any person because of race, religion, or national origin."

ALLEGED WAR CRIMINALS AND COLLABORATORS WERE ABLE TO ENTER THE UNITED STATES UNDER THE IMMIGRATION AND NATIONALITY ACT, 1952

In practice, it was difficult to exclude alleged war criminals and collaborators from immigrating into the country under the Immigration and Nationality Act, 1952, the permanent immigration law of the United States. Accordingly, the Immigration and Nationality Act, 1952, was amended on October 30, 1978, to exclude from admission into and to deport from the United States all aliens who, between March 23, 1933, and May 8, 1945, persecuted any person on the basis of race, religion, national origin, or political opinion under the direction of or in association with the Nazi government of Germany; any government in any area occupied by Nazi Germany; any government established with the assistance or cooperation of Nazi Germany; or any government which was an ally of Nazi Germany.

CONTROVERSY CONCERNING ALLEGED NAZIS IN UNITED STATES TRIGGERS GOVERNMENTAL RESPONSES

Since the end of World War II there have been allegations that of the thousands of displaced persons as well as others who entered the United States, a number of these people had participated in Nazi war crimes.

The Congress received testimony in the early 1950s that a number of aliens appeared to have been admitted to the United States despite adverse reports in the Berlin Document Center (a repository for captured Nazi records) of membership in the Nazi Party or its auxiliaries. Since the 1950s, newspaper articles, various publications, radio commentaries, and television programs have addressed allegations of war criminals in the United States.

In 1973 in response to continuing allegations, the Immigration and Naturalization Service (INS) established a Project Control Office in its New York district to give emphasis and priority to alleged Nazi war criminal cases. The Office began to more actively investigate, both domestically and overseas, alleged war criminals who resided in the United States.

In 1977 INS established within its headquarters the Special Litigation Unit. The unit's function was to coordinate and process all pending cases in which persons residing in the United States had been accused of having participated in war crimes and other forms of persecution. The creation of this unit was the culmination of a renewed emphasis placed on alleged

Nazi war criminals beginning in the early 1970s, largely as a result of the House Committee on the Judiciary's interest in these cases.

In September 1979 the Attorney General transferred the functions of the Special Litigation Unit to the Criminal Division of the Department of Justice which created the Office of Special Investigations (OSI). OSI has the primary responsibility for detecting, investigating, and, where appropriate, taking legal action to deport, denaturalize, or prosecute any individual who was admitted as an alien into or became a naturalized citizen of the United States and who had assisted the Nazis by persecuting any person because of race, religion, national origin, or political opinion.

Justice officials told us that the majority of the approximately 500 individuals investigated by OSI and the 26 cases in active litigation, as of June 1, 1985, concern individuals who were admitted under either the Displaced Persons Act or the Refugee Relief Act. Also, these officials told us that the 1978 amendment to the 1952 act has been used to charge individuals in all deportation proceedings filed by OSI.

GAO Previously Reported on United States' Involvement with Alleged Nazi War Criminals

In 1977 the Chairman, House Subcommittee on Immigration, Citizenship, and International Law, asked us to investigate allegations that federal agencies had obstructed investigations and/or prosecutions of alleged Nazi war criminals. In 1978 we issued a report[1] based on our review of the investigations of 111 individuals against whom allegations had been made. Although we could not find any widespread conspiracy to obstruct investigations, we could not rule out instances of undetected and isolated deliberate obstructions.

In that report, several agencies informed us that they had employed or had been associated with several of the individuals investigated. The Central Intelligence Agency (CIA) told us that it had contacted 22 of the individuals as sources of information, 7 of whom were paid for information or services provided. The CIA said its contacts with some of them came at a time when there was an acute shortage of intelligence on Soviet intentions and on developments in Eastern Europe. The Federal Bureau of Investigation (FBI) told us that it had a confidential relationship with two of the individuals. The Department of

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[1]Widespread Conspiracy To Obstruct Probes Of Alleged Nazi War Criminals Not Supported By Available Evidence--Controversy May Continue (GAO/GGD-78-73).

State had employed one individual as a consultant. The Department of Defense also had employed one individual. Of the 111 individuals, at least 3 had been assisted by federal agencies in entering the United States.

OBJECTIVES, SCOPE, AND METHODOLOGY

On May 17, 1982, the Chairman, House Committee on the Judiciary requested us to reopen our 1978 investigation. The Chairman's request followed allegations made on a television program that federal agencies made a conscious effort to illegally bring Nazi war criminals into this country and protect them once they were admitted.

Further discussions with the Chairman's office more specifically defined our objectives. As a result, we focused our efforts on whether there were any U.S. government programs to aid the U.S. immigration of suspected Nazi war criminals and conceal their backgrounds once they were admitted. In subsequent meetings, the committee expressed its concern that our investigation be "uninhibited" and that the resultant report be as detailed and complete as possible.

During our investigation there was extensive media coverage about the return of the former Gestapo chief of Lyon, France, Klaus Barbie, to France which raised the issue of collaboration between United States intelligence agencies and Nazi war criminals. There were allegations that United States agents protected Barbie from French officials, assisted his escape to South America, and paid him for information on other Nazis and for other intelligence information. Subsequently, the Committee requested us to include an investigation of this allegation in our evaluation. About the time we began our investigation of Barbie, the Department of Justice began a similar investigation. To avoid any duplication of effort, an agreement was reached with the OSI whereby OSI would conduct the investigation but would make all documentation available to us. This agreement was approved by the Committee.

In our 1978 report, the term "Nazi war criminal" was used in a generic sense. Most of the allegations and subsequent investigations that have been made over the years of aliens alleged to be Nazi war criminals in actuality involved Europeans who were Axis collaborators. For purposes of this report, collaborators are aliens from European countries that were allied with and supported by the World War II European Axis powers. They are referred to in this report as "Axis collaborators." As used in this report, the term "Nazi war criminal" refers only to aliens who were members of Nazi organizations and accused of war crimes. Also the term "alien" is used in this report to refer to individuals who were not native-born Americans although some eventually obtained naturalized citizenship.

Our investigation sought evidence that U.S. intelligence agencies brought certain Nazis and Axis collaborators into this country in contravention of the immigration laws. As part of our effort, we sought evidence of any program specifically developed to aid the immigration of these types of aliens into the United States. It was not our purpose to investigate whether Nazis or Axis collaborators, acting on their own, entered illegally.

Under the Displaced Persons Act and the Refugee Relief Act, over 550,000 immigrants entered the country. As noted on page 3, the majority of cases investigated by OSI concern aliens who entered through legitimate channels--displaced persons and refugee acts. We have no basis for estimating how many who entered by this means were ineligible due to past Nazi or Fascist activities.

We performed work in the headquarters offices of the FBI, CIA, INS, the National Archives, and the Departments of Defense, State, and Justice. Information was also acquired from the National Archive's Federal Record Center in Suitland, Maryland, and the U.S. Army's Central Security Facility at Fort Meade, Maryland.

We requested that the departments and agencies identify for us records or other sources of information on (1) alleged Nazi war criminals assisted by federal agencies into the U.S.; (2) any federal program or activity to assist alleged Nazi war criminals to enter the U.S. or aid them after their entry; (3) any efforts to withhold such information from the Justice Department, the Congress, or the General Accounting Office; and (4) any investigations or mutual studies related to the above. Additionally, we requested any and all information the departments or agencies had concerning the Office of Policy Coordination (OPC), a postwar covert intelligence agency.

Initially, we judgmentally selected 11 aliens to review from information provided by two private sources on 13 aliens. It had been alleged that six of these aliens had been war criminals or collaborators who may have been assisted by agencies of the federal government to enter the United States and that other federal agencies were cognizant of their entry. Also, in nine instances the aliens may have been sources of information for federal agencies. We asked the departments or agencies listed above for any information they had concerning the aliens in question, including those documents in their files that were originated from third parties, (i.e., documents obtained from sources outside the agencies holding the file).

We also reviewed U.S. intelligence personnel files on 103 other aliens including the 2 aliens not reviewed from the

initial allegations, in addition to organization and project files such as Radio Free Europe project files. Information in the agencies' files pertaining to the initial 11 aliens reviewed identified many of the other aliens. In reviewing their files, other aliens were identified but not all were reviewed. We reviewed only those files where other information indicated that the aliens may have been Nazis or Axis collaborators or members of Nazi or Fascist organizations who either (1) had contact with or participated in U.S.-sponsored intelligence operations, (2) had immigrated or sought to immigrate to the United States, or (3) were notorious aliens who had an association with a Nazi or Axis collaborator who had been a contact of U.S. intelligence agencies. In addition, some aliens were selected for review because information obtained from intelligence agencies' project or operation files indicated that they were East European or German and were aided by U.S. agencies in immigrating to the United States during the 10-year period from 1950 to 1960 and were old enough to have participated in World War II. Before our review of their files there was no indication of Nazi or Axis affiliations.

Files at the agencies relating to our investigation were not catalogued by whether a person had a Nazi or Axis collaborator past. As a result, there was not a universe of pertinent files by which, for example, a sample of Nazis or Axis collaborators could be drawn. Selection of files to review, therefore, became more an investigative process than an audit process.

Our work also included

--discussions with agencies' officials;

--discussions with 37 former government officials including intelligence personnel; and

--a review of literature and government publications on post World War II history as it related to the development of U.S. intelligence agencies.

During the course of the review we had access to thousands of classified and nonclassified documents at all of the departments and agencies. We were not denied access to any documents requested; however, intelligence agencies often assign projects innocuous names which do not reflect the projects' purposes and, therefore, we cannot assure that we requested all relevant projects' files. In addition, some documents requested could not be located or had been destroyed. However, these instances were the exception rather than the rule. The deaths of certain officials and the unclear recollections by others of events from the post World War II era made it difficult and/or impossible to reconstruct certain events, circumstances, and situations. As a result, we cannot be completely sure that we have obtained all

relevant information or that we have identified all Nazis and Axis collaborators assisted by U.S. agencies to immigrate to the United States. However, our review was sufficiently broad and unrestricted and we believe it fairly portrays the conditions that existed following World War II.

With the exception of Klaus Barbie, we have not disclosed the identities of the aliens reviewed. In addition, except where it was necessary to present certain information, we have not revealed the federal agencies involved with the aliens or the countries where such involvement took place. Disclosure of certain information identifying the agencies with the aliens, the locations of their activity, and the activities with which they were involved is classified and we wanted to issue an unclassified report. In addition, accusations of wrongdoing against most of the aliens are alleged, not proven. We discussed the aliens and their activities with OSI for possible investigation and prosecution. In no instance do we believe the nondisclosure of agencies, aliens, or locations of their activities detract from presenting accurately the nature of U.S. involvement with the aliens or any assistance provided their immigration.

AGENCY COMMENTS

This report was sent for review and comment to the Department of Justice with copies for the FBI and INS; the Department of State; the CIA; and the Department of Defense. The agencies had no comments or substantive suggestions for revising the report.

CHAPTER 2

POSTWAR RESOLVE TO DESTROY NAZISM IS SUBORDINATED TO COLD WAR FEARS

Initially following World War II, the allies cooperated for the most part in seeing that Nazi war criminals were brought to justice and that alleged war criminals and Axis collaborators were returned to countries where they had been sought for crimes. Within 2 years of the war's conclusion, the United States perceived the Soviet Union and the spread of communism to be the greater and more immediate threat. A series of rifts with the Soviet Union resulted in a deterioration in East-West relations and the spread of communism in Eastern and Western Europe led President Truman to declare a global commitment to fight communism.

The United States, meanwhile, found itself ill-prepared to apply the tactics and strategy demanded by the Cold War. As it returned to a postwar peacetime economy, many of its most experienced intelligence officers had returned home and been discharged. Additionally, the United States' principal wartime espionage and covert action unit, the Office of Strategic Services (OSS), was being dismantled. What intelligence capability remained in Europe generally had been trained in counterintelligence techniques not in the espionage techniques[1] required by the Cold War, as were their less experienced counterintelligence replacements. Furthermore, the United States lacked extensive intelligence sources and networks targeted against the Communist threat. As concerns over the Soviets grew, so did the pressure on U.S. intelligence agencies in Europe to determine what Soviet intentions were.

While intelligence agencies in Europe tried to determine Soviet intentions, officials in Washington were identifying gaps in U.S. intelligence capabilities. To help fill those gaps, two new organizations were created--the CIA and the Office of Policy Coordination (OPC). These two intelligence entities were charged with developing clandestine intelligence collection and covert action capabilities, respectively.

ALLIES COMMITTED TO PUNISHING WAR CRIMINALS

As the war in Europe marched toward its conclusion, the allied nations prepared to prosecute individuals who were

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[1]Espionage is the act of spying to learn the secrets of another government. Counterintelligence refers to the efforts taken to prevent another government from succeeding in its espionage.

believed to have committed war crimes, including the European Axis leaders and their principal agents and accessories. As early as 1943 the United States, the United Kingdom, and the Soviet Union had agreed (Moscow Declaration) to return for prosecution alleged Axis war criminals to the country where their crimes had been committed. For several years, the allied governments had knowledge of Axis war crimes and each nation had its own list of wanted war criminals. The United Nations War Crimes Commission was established to centralize the listing of alleged war criminals.

As the allied armies advanced toward Germany, each captured prisoners of war among whom might be persons wanted by other nations for war crimes. In early 1945, the Supreme Headquarters Allied Expeditionary Force (SHAEF) recognized the need for a clearinghouse to exchange information among nations about individuals wanted for crimes and individuals in custody. As a result, SHAEF created the Central Registry of War Criminals and Security Suspects.

Each allied nation submitted information to create a centralized listing. This listing, periodically updated and distributed to all the allies, contained known particulars such as nationality, rank, military unit, and if applicable, date and place of crime about all security suspects[2] and alleged war criminals. The first list published in July 1945 contained approximately 70,000 names. At that time officials estimated that the number of security suspects alone numbered more than 200,000.

The Counter Intelligence Corps (CIC) was the U.S. military's principal group for hunting and arresting Nazis. Color coded cards, referred to as SHAEF cards, identified individuals wanted as security suspects or war criminals and were distributed to all CIC regions to alert them to individuals subject to arrest. However, individuals who belonged to certain organizations such as the SS, Gestapo, or Nazi Party and/or were of a certain rank or higher were subject to automatic arrest whether or not they had been identified on a SHAEF card. Immediately following Germany's collapse, the CIC's primary missions were processing displaced persons and hunting and arresting Nazis.

According to an ex-CIC officer, many Nazis sought to evade arrest. Some used false identity documents. In anticipation of Germany's collapse, the Nazi intelligence services prepared false documents and distributed them to selected individuals. In the case of Waffen-SS members, who had a small "SS" tattoo

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[2]Security suspects included members of the Nazi SS, SD, Gestapo, and various other Nazi organizations.

under one arm, false documents could not provide complete anonymity. The CIC was aided in locating and identifying Nazis by non-Nazi Germans and other Nazis, including former SD and Gestapo Nazis, who informed on those who hid from arrest or who carried false documents.

Individuals arrested were kept in detention facilities or prisoner of war camps until their wartime backgrounds could be verified, possible involvement in crimes determined, and their subjectibility to prosecution decided. Prosecutions were accomplished at various levels and by various courts or tribunals. For example, the International Military Tribunal at Nuremberg tried the principal Nazi officials and war criminals;[3] military tribunals of the various allied governments conducted trials for crimes committed against its country's personnel; various national courts tried Nazis who had committed crimes within the respective nation as well as accused traitors and collaborators; and denazification proceedings were held in Austria and Germany to purge those countries of all traces of Nazism.

Although the CIC was hunting and arresting Nazis, the following indicates that U.S. authorities may have protected some. In 1950, a U.S. intelligence officer in a cable to another intelligence officer stated that some Nazis were protected by U.S. intelligence at the end of the war. He stated,

> "At the end of the war we tried to be very smart and changed the names of several members of the SD and Abwehr in order to protect them from the German authorities and the occupation authorities. In most cases these persons were so well known that the change in name compromised them more than if they were to face a denazification court and face the judgments which would have been meted out to them. In the meanwhile, the developments in Germany and probably also in Austria have been such that membership in the SS, or in the SD, or in the Abwehr no

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[3]The International Military Tribunal at Nuremberg found the SS to be a criminal organization guilty of persecuting and exterminating Jews, of brutalities and killings in concentration camps, of excesses in the administration of occupied territories, of administration of the slave labor program, and of mistreatment and murder of prisoners of war. The Allgemeine-SS was a part of the SS specifically cited by the Nuremberg Tribunal to be criminal. Both the SD and Gestapo were declared to be criminal organizations by the Nuremberg Tribunal because of their programmatic and massive participation in the commission of war crimes and crimes against humanity.

longer is regarded as a strike against any personality."

We interviewed the former intelligence officer who authored the 1950 cable. He could not recall any aspect of his statements. Several other former intelligence officers we interviewed about these statements denied any knowledge of such postwar actions.

AXIS COLLABORATORS WERE DIFFICULT TO IDENTIFY AND NOT VIGOROUSLY PURSUED

Although the allies were committed to punishing Nazi war criminals, East European Axis collaborators were not pursued as vigorously because the allies could not easily identify them. Reasons given by several ex-CIC officers interviewed include the following.

--Collaborators often camouflaged themselves among the masses of displaced persons and those persecuted by the Nazis. Except for some of the more prominent or notorious collaborationist leaders, collaborators were not well known. Collaborators, especially less prominent ones, who infiltrated displaced persons camps, often assumed false identities and/or backgrounds. In addition, the documentation that supported or refuted displaced persons' backgrounds, if it existed, was located in areas now under Communist control and was unavailable to the CIC. Extensive personnel records like those which the allies established for the Nazis did not exist for the collaborators.

--Following the war, many CIC personnel were inexperienced and lacked necessary skills. Experienced CIC personnel returned home and their replacements generally were believed to be politically naive, especially as to their knowledge of East European political groups. Furthermore, few interrogators were skilled, a necessary requirement given the absence of bona fide identity documents. Injecting further difficulty into an already difficult interrogation (given a collaborator's inclination to lie about his past) the CIC investigators often did not speak East European languages. As a result, investigators used displaced persons who spoke some English or German but who were not trained interpreters.

--Time constraints and the large volume of persons desirous of immigrating overwhelmed the CIC investigators. Pressures caused by humanitarian concerns were placed on investigators by relief agencies, U.S. relatives, and the Congress to expedite their investigations. At some point, a goal was set to complete investigations within

30 days. As a result, the investigations were often shallow and cursory.

Several ex-CIC officers told us that they would not be surprised if Axis collaborators used the displaced persons camps as a steppingstone to gaining U.S. admission. One ex-officer said gaining admission by this route would have been relatively easy.

United States Reluctant to Return Some Alleged War Criminals and Collaborators for Trial

Despite the Moscow Declaration and U.S. policy which authorized forcible repatriations of war collaborators requested by their governments, the United States, in at least three instances we identified, was reluctant or refused to return wanted war criminals and collaborators. As early as July 1945, U.S. officials sought policy guidance regarding requests for alleged war criminals where demands for their return were motivated by purely political reasons. Officials also questioned the fairness of trials accused criminals would receive once repatriated because some European governments were relatively unstable. And lastly, officials refused to return alleged criminals to one country with whom the United States had not granted political recognition.

U.S. officials were sensitive that United States reluctance to repatriate accused criminals and collaborators could be viewed by some requesting countries as harboring war criminals. Despite this concern, some State Department officials, responding to information on the lack of justice in Yugoslavia, advocated a policy that would refuse to deliver accused individuals to countries where trials were unfair. The information the State Department received on Yugoslavia in November 1946 asserted that

> "There is no justice here in our sense of the term. Accused often has no access to counsel, courtroom crowd is hostile, judges prejudiced and in attitude indistinguishable from prosecutor, defense prevented from introducing documents or witnesses."

Responding to these concerns, U.S. authorities established a policy that required requesting countries to submit documentation establishing both the accused's identity and his/her prima facie guilt. Officials hoped that careful screening of requests would prevent repatriating political refugees. In the case of Yugoslavia, the screening policy meant that, of its 700 surrender requests, the United States, as of December 1946, had agreed to surrender 110 individuals, if they could be found in U.S. or allied jurisdictions. Of the 110 individuals, about 20 had been turned over to Yugoslavia.

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The United States also believed that many alleged Albanian war criminals were wanted primarily for political reasons. However, this was not the reason alleged war criminals were not repatriated to Albania. Instead, alleged criminals were not returned because the United States had not officially recognized the postwar Albanian government.

U.S.-SOVIET RELATIONS DETERIORATE AND THE COLD WAR ENSUES

Immediately after the war, the United States made an effort to maintain good relations with the Soviets. For example, in June 1945, shortly after his capture, a Nazi foreign intelligence officer proposed turning over to American military forces an organized East European intelligence network operating in several countries against Russia. After considering the proposal, OSS officials recognized that any exploitation of the network would have "tremendous political implications" both in Europe and the United States. They believed the German's offer was an attempt to stir up trouble with the Soviets. Therefore, they recommended that every detail of the network be obtained from the officer and provided to the Soviets for counter espionage purposes.

After verifying the network's existence, U.S. authorities contacted the Soviet secret intelligence chief in Moscow and proposed a joint effort to destroy the German network. The proposal to destroy the network was authorized by the Joint Chiefs of Staff.

Despite agreements and cooperative efforts to destroy Nazism, rifts between the United States and the Soviet Union occurred after the war. The makeup of postwar Eastern European governments, Middle East oil concessions, and control of the Dardanelles and with it access to the Mediterranean were among some of the U.S.-Soviet disagreements that grew into crises. In March 1946, concerned over the growing belligerency of the Soviet Union and ignorant of its military strength, U.S. intelligence agencies were directed to "produce the highest possible quality of intelligence on the U.S.S.R. in the shortest time possible." By mid-1946, officials believed that the Soviets were intent on world domination and by late 1946 cabinet officials were preoccupied with the Soviet threat.

By 1947, U.S. counterintelligence officials in Germany were already aware that Soviet and East European intelligence agents were operating against U.S. targets. According to a former intelligence officer, refugees entering the U.S. zone in Berlin claimed to have been recruited by Soviet intelligence, and other refugees, already in the zone, claimed to have been beaten by Soviet agents seeking information on U.S. installations and

personnel. Other former intelligence officials interviewed generally agreed that it was about this time that intelligence priorities began to shift from concerns about Nazi and neo-Nazi activities to concerns about Soviet aims and plans.

Concerns over Soviet aims and plans were further fueled by the rise of Communist parties in France, Germany, Greece, and Italy. These parties had been strengthened politically by their roles in the resistance against the Nazis. U.S. officials feared that the Communist parties in these countries were responsible to and directed by Moscow and, in some areas, were of sufficient strength to assume power. Indeed the first cabinet of the new French Republic, although not controlled by the Communists, contained four Communists including the minister of defense.

The threat of Communist world domination was eventually recognized as a threat to which the United States had to respond. Not only had European Communist parties emerged politically strengthened, but the armies of the Soviet Union stretched across the center of Europe. On March 12, 1947, President Truman addressed the Congress asking Americans to join in a global commitment against communism. Although the United States continued its commitment to repatriate war criminals, the spread of communism had become a greater threat than the reemergence of Nazism. The Cold War had officially commenced.

COLD WAR PRESSURES REVEAL WEAKNESSES IN POSTWAR U.S. INTELLIGENCE CAPABILITIES

As the Cold War began, U.S. intelligence agencies in Europe found themselves ill-prepared to respond to the Communist threat. At the end of the war, U.S. forces demobilized, the OSS dismantled, and many of the more experienced intelligence agents returned to the United States and resumed their private careers. Their replacements, besides being inexperienced, were believed by some former intelligence officers we interviewed to be philosophically and politically naive. Furthermore, according to former intelligence officers, the majority of intelligence officers then in Europe had been trained in counterintelligence techniques, not in espionage techniques needed for the Cold War. Additionally, because U.S. intelligence had not previously been directed to collect clandestine intelligence or conduct covert operations against the Soviet Union and its allies, it had not developed extensive intelligence sources and networks targeted against the Communist threat. Pressure on intelligence agents in Europe to obtain information on Soviet aims and plans and on West European Communist parties intensified.

Despite the dismantling of the OSS, the War Department maintained a remnant of the OSS' clandestine collection activity which it named the Strategic Services Unit. In a report dated April 23, 1976, the Senate Select Committee To Study Governmental Operations with Respect to Intelligence Activities reported that the Strategic Services Unit in mid-1946 was merged into the Central Intelligence Group--the predecessor of the CIA. The Strategic Services Unit, which was intended to be only temporary, was renamed the Office of Special Operations. This Office provided the Central Intelligence Group with espionage and counterespionage abilities it, heretofore, had lacked. The Central Intelligence Group, as reconstituted, became the CIA in July 1947 when the National Security Act was passed.

In the year that followed the CIA's creation, much occurred to fuel fears caused by the Soviet threat. In August 1947, Communists took over Hungary and in February 1948 Czechoslovakia fell victim to a Communist coup. At the same time, France and Italy were besieged by a wave of Communist-inspired strikes.

According to the 1976 Senate Select Committee report, in March 1948 a war scare gripped the U.S. Government. This scare resulted from a cable sent by General Clay, Commander in Chief, European Command, to the Director of Intelligence, Army General Staff, which stated, "I have felt a subtle change in Soviet attitude which I cannot define but which now gives me a feeling that it [war] may come with dramatic suddenness." The Select Committee reported that, on the basis of intelligence estimates, no evidence existed that the Soviets would start a war. However, the response to Clay's cable had illustrated the suspicion and fear of the Soviet Union that existed in government circles. In June 1948, that fear was heightened further when the Soviets instituted a blockade of the western sectors of Berlin.

Describing the mood that existed in Washington intelligence circles during this period, a former intelligence officer stated that the mood was the same as if the United States were at war. He added that an attitude prevailed during this period that "any SOB who was against the Russians was our SOB." Another former officer said "we would have slept with the devil to obtain information on communists."

The fear that was generated by General Clay's March 1948 telegram was due in large part to the lack of intelligence the United States had on Soviet intentions. The inadequacy of U.S. intelligence at that time is reflected in a March 1948 State Department policy proposal draft. The Department's proposal recognized that U.S. intelligence on the Soviet Union and the Soviet-dominated Iron Curtain countries was deficient and as a result inhibited the United States' ability to engage in a political and psychological conflict with the Soviet Union. To

overcome this problem and close the intelligence gap, the State Department proposed in part that U.S. intelligence systematically screen and utilize refugees from the Soviet world and, in addition, encourage the elite of the Soviet world to defect to the West.

In fact, many former East European government officials and refugees had already offered their services to the United States in the hope of eventually overthrowing the Communist regimes in their countries. According to a former State Department official, some former East European officials sought U.S. political recognition as governments-in-exile and although sympathetic, the political realities, however, demanded that the United States recognize the Communist regimes in power. The official stated that since the State Department had to deal with the Communist governments it could not support organizations which sought to destabilize them. Instead, it favored clandestine support for these groups by an intelligence agency.

While the State Department's proposal was being considered, U.S. officials also recognized that U.S. intelligence needed to significantly improve its covert capabilities. As a result, in June 1948 the National Security Council created the Office of Special Projects which was subsequently renamed the Office of Policy Coordination (OPC). OPC was established as a component of the CIA. However, OPC had its own director, and it received policy guidance directly from the Departments of State and Defense, bypassing the Director of Central Intelligence. In creating OPC, the National Security Council delegated to it responsibility for instituting several of the State Department's March 1948 proposals.

Following its creation, OPC's staff, budget, and the scope of its activities significantly increased. As documented in the 1976 Senate Select Committee report, OPC's staff increased from 302 in 1949 to 2,812 in 1952 plus 3,142 overseas contract personnel. For the same years its budget went from $4.7 million to $82 million. At the outset, OPC's activities, which were concentrated in Western Europe, were directed primarily toward four operational areas: refugee programs, labor activities, media development, and political action. Among the projects sponsored by OPC during this period were Radio Free Europe and Radio Liberty.

Conflicts Between CIA and OPC
Develop but are Settled by Merger

The growth of the OPC led to antagonisms between it and the CIA's clandestine intelligence component, the Office of Special Operations. As reported in the 1976 Senate Select Committee report, organizational rivalry dominated the relationship between

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the two organizations. According to the Senate report, the Director of Central Intelligence, Admiral Roscoe Hillenkoetter, resented that he had no management authority over OPC and frequently clashed with the State and Defense Departments as well as the OPC Director over this fact.

On the operating level, the conflicts were also intense. Both the Office of Special Operations and OPC had representatives conducting separate but occasionally overlapping operations at each field station. Given the related missions of the two, OPC and Office of Special Operations were often competing for the same agents and, not infrequently, attempting to wrest agents from each other. One former Office of Special Operations officer told us that in 1950 both he and an OPC counterpart had similar but separate and uncoordinated projects to infiltrate agents into one East European country. He recalled one attempt when both projects parachuted agents into the same area at the same time. He stated that they were practically jumping on one another.

In October 1950, General Walter Bedell Smith was appointed the Director of Central Intelligence. Shortly after his appointment, General Smith was given administrative control of OPC and with it both State and Defense Departments' policy guidance was channeled through him rather than directly to OPC. General Smith made several changes to improve coordination between the Office of Special Operations and OPC but rivalry and antagonism persisted. In August 1952, General Smith decided to settle the rivalry by merging the two offices thereby creating the CIA's Directorate of Plans.

CHAPTER 3

NAZIS AND AXIS COLLABORATORS EMPLOYED BY U.S. INTELLIGENCE IMMIGRATED TO THE UNITED STATES--SOME WERE ASSISTED BY FEDERAL AGENCIES

The outbreak of the Cold War found U.S. intelligence agencies' ill prepared to respond to it and caused them to seek out resources that could be immediately utilized against the Communists. Included among those employed were former Nazis and East European Axis collaborators. Although we were told by various intelligence officers that war criminals were not supposed to be used, some were. In addition, although most U.S.-employed Nazis and collaborators remained in Europe subsequent to their employ, some were assisted by U.S. agencies to emigrate to other countries including the United States.

Out of 114 aliens selected for review, we identified five with undesirable or questionable[1] backgrounds who were employed by U.S. intelligence agencies and who received some form of assistance to immigrate to the United States. In addition, we identified seven aliens with undesirable or questionable backgrounds who immigrated to the United States without any identifiable assistance. Among the five assisted aliens were the following: two alleged war criminals; a former Nazi Allgemeine-SS officer; a convicted conspirator in an assassination; and a traitor. In each of these five cases, the aliens were aided individually, not as part of a specific aid program for ex-Nazis and collaborators.

Although the above aliens were not assisted as part of a specific program to aid former Nazis, several programs to aid the resettlement of U.S.-employed foreign agents were identified; none of which was specifically established to aid Nazis or

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[1]An alien with an undesirable or questionable background is one who could have been challenged for admission to the United States on the basis of immigration law. Among aliens included in this category are alleged war criminals, Axis collaborators, convicts, and officials in illegal Nazi organizations. In addition, an alien with an undesirable or questionable background is one who may not have been excludable from U.S. immigration under the applicable law then in effect. However, had the alien applied under prior or subsequent immigration laws or other immigration laws in effect at the time of application, he/she could have been excludable. Also included are aliens with alleged derogatory backgrounds which could not be substantiated by investigation.

Axis collaborators. The programs resettled aliens in various countries including the United States. In addition, each program was coordinated with the State and Justice Departments and each alien who immigrated to the United States with assistance appears to have had some pre-immigration review by those agencies.

NAZIS AND THEIR AXIS COLLABORATORS WERE EMPLOYED BY U.S. INTELLIGENCE AGENCIES

Because of the perceived Communist threat, the resulting time-critical need for intelligence, and the United States' lack of an intelligence espionage network in Eastern Europe, U.S. intelligence used anti-Communist resources that had immediate intelligence potential. These resources included former German and East European intelligence operatives and East European emigre political groups with contacts in Eastern Europe. Although the aliens employed could have been Nazis or other Fascists, former intelligence officers told us that it was generally agreed that alleged war criminals would not be employed. On the other hand, these officers did not know of any guidance prohibiting the use of such aliens and we found none. According to the Department of Justice's 1983 report on Klaus Barbie and the results of our investigation, individuals alleged to be war criminals were used by U.S. intelligence agencies.

Former U.S. intelligence officers told us and our review of intelligence files confirmed that ex-Nazis, including Gestapo, SS, and members of East European Fascist organizations, were employed by U.S. intelligence. However, as one former intelligence officer stated, the use of some of these aliens may have been a mistake but it was a mistake committed without malice. He added that their use was a matter of weighing their present value versus their past history. Another former intelligence officer also endorsed this present value justification. He told us that if a person was a war criminal, the decision of whether or not to use him depended on what he could do for you.

As previously noted in chapter 2, former Gestapo and SD members were used to help locate other Nazis who qualified for automatic arrest. Those former Nazis used in this manner had already been apprehended and in return for their satisfactory performances were promised that such service would be favorably considered in the disposition of their cases. The CIC reported that an appreciable quantity of high-grade arrests were made possible solely through the cooperation of these former Nazis. As a result of their successful use, one CIC detachment's report concluded,

> "Their [ex-Nazis] contacts and experiences make them invaluable as informants, and the advantages which

can be derived from putting them to work far outweigh those risks inherent in placing trust in such persons."

A former U.S. intelligence officer told us that around 1947 the German Communist Party was considered a threat and had, therefore, been designated as a principal U.S. intelligence target. At that time U.S. intelligence did not generally know who the German Communists were but did know that the World War II German security services, specifically the Gestapo, also had targeted the Communist Party. U.S. intelligence decided to question former Gestapo and SS members who had experience working against German Communists. Specifically, individuals with experience in running operations and agents were sought, rather than higher level Nazis who had no operational expertise.

According to this officer, Nazis with operational experience against the German Communists were sought from all over Germany. Potential recruits were interrogated to determine, among other things, their knowledge of the German Communist Party and its members and whether during the war they had beaten or tortured Communist prisoners to extract information. He stated that they preferred to question those who had not employed beatings because they were usually the "smart operators." He added that those who were selected were mostly pre-Hitler police professionals who were motivated to join the Nazi party for career betterment rather than ideology or were forced to join. Another former intelligence official confirmed the above but added that some of the former police were not all "clean" and may have employed or threatened violence to extract information.

One former U.S. intelligence officer told us that when the Soviets blockaded Berlin, U.S. intelligence was under tremendous pressures to determine what the Soviet armored divisions were planning. He stated that the information was needed quickly and intelligence networks could not be built in time. As a result, they purchased networks that could be used immediately. He added that morality was not a consideration then. His superiors were only concerned with results, not the ways and means by which results were accomplished.

Several former intelligence officers told us that during the mid-1940s, intelligence officers had a good deal of discretion to operate and to obtain their intelligence sources. Organizationally, operations were decentralized and decisions about using informants were left to the operating groups. When the United States initially recognized and reacted to the Soviet threat, there was little direction in identifying intelligence needs and targets. Additionally, no uniform way had been established for handling agents or for determining their quality and reliability. U.S. intelligence agencies did not institute

standard operating procedures and tighter informant controls until the late 1940s.

We asked a former intelligence officer why U.S. intelligence would employ Nazis to fight Communists. He replied that one could not use Communists to fight Communists but you could use Nazis because they were the Communists' natural enemies. He added that since the war, U.S. targets had changed and, therefore, the use of Nazi SS-types was necessary. However, although he believed they were necessary, he said he did not trust them. He found that some of the former SS-types were experienced "operators" who took advantage of the young, less experienced U.S. agents. Some SS-types were operating "papermills" (preparing fake information or selling information to several different agencies) or were involved in blackmarketeering.

Klaus Barbie aided by U.S. intelligence agency

The U.S. intelligence officers we interviewed said they had no knowledge of assistance provided to any war criminal or collaborator to immigrate to the United States. According to former intelligence officers, the services of most aliens and informants were terminated without providing them with assistance to any country.

However, on March 14, 1983, the Attorney General directed the Special Assistant to the Assistant Attorney General, Criminal Division, to conduct an investigation of the relationship between Klaus Barbie, former Gestapo chief in Lyon, France, and the United States Government from the end of World War II to the present. The resultant report[2] found that officers of the U.S. Army's Counter Intelligence Corps (CIC) employed Klaus Barbie, protected him from extradition to France where he was wanted for war crimes, and organized his escape to South America.

The report concluded, in part:

"It is true that the obstruction of efforts to apprehend and extradite Barbie were not condoned in any official sense by the United States government. But neither can this episode be considered as merely the unfortunate action of renegade officers. They were acting within the scope of their official duties. Their actions were taken not for personal gain, or to shield them personally from liability or discipline, but to protect what they believed to be the interests

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[2]Klaus Barbie and the United States Government, a Report to the Attorney General of the United States, August 1983.

of the United States Army and the United States government. Under these circumstances, whatever may be their personal culpability, the United States government cannot disclaim responsibility for their actions. . ."

. . . . .

"The use of Barbie is a difficult question. But there can be . . . no meaningful or enforceable regulation to define whom intelligence agencies may and may not use as informants. The very nature of intelligence gathering abroad requires the use of informants and it would be grossly unrealistic to require that they be subject to the same standards of character, uprightness and conduct that are required for, say, civil or military service with the United States government. . ."

"But given the almost infinite variety of circumstances that an intelligence agency encounters in the course of its operations, it would be exceedingly difficult to define a class of eligible informants based on their background or status. And any such line-drawing would require the comparison of. . .two fundamentally dissimilar considerations. . . the need for information of strategic importance versus the repugnance of dealing with criminals, or former enemies, or brutal thugs, or officials of evil institutions. Even if there were a consensus on whom we ought not to deal with, any workable definition would be so broad as to be useless to those who must apply it, or so narrow that it would be of little practical significance.

Such a task would have been easier in the immediate post-war years as applied to those Nazis whom we could agree to exclude. Depending on the breadth of the consensus, it could have excluded use of Nazi party officials, SS officers, Gestapo officers, suspected war criminals, convicted war criminals, or any combination of these or other categories."

In order to evaluate the Department of Justice's investigation and report, we independently interviewed nine former intelligence officers who had been associated with or involved in events surrounding Barbie and reviewed intelligence agencies' files. In addition, we reviewed documentation gathered by the Department. We did not find any discrepancies between the Department's report of August 1983 and documents and files we reviewed and the individuals we interviewed.

Although U.S. intelligence employed former Fascists, some others were unacceptable

Although U.S. intelligence employed former Nazis and their Fascist collaborators, intelligence files showed that the use of some former Nazis and collaborators was eschewed. Although we found no written guidance prohibiting the use of alleged war criminals or collaborators, we did find several instances where the use of some aliens was rejected because their usefulness was compromised by their wartime pasts. In some cases their use was rejected because knowledge of their employment would have been an embarrassment to the United States.

An example of the foregoing was the case of a former Nazi SS intelligence officer who was employed by a U.S. intelligence agency and was a possible war criminal. In March 1948, 3 months after being released from confinement, this former Nazi intelligence officer was in contact with a U.S. intelligence agency for whom he would shortly control two penetration and espionage networks in Eastern Europe. However in June 1949 another U.S. intelligence agency criticized using this former Nazi. It complained that he was a potential security threat, a Nazi ideologue who was bound to attract other nefarious Nazis.

About a month later, both networks were dropped and the former Nazi was let go. (The former Nazi was not resettled.) In a memorandum for the record, the organization's chief of operations wrote the following

> ". . . although an excellent intelligence man, he is considered dangerous. We have been requested many times by other U.S. intelligence agencies in Europe to discontinue our support . . . since he was an SD leader and is feared by all present intelligence factions . . . The reason that he is feared is that he was a notorious intelligence man in his day and actually a war criminal, who was exonerated at Nuremberg due to the fact that he became a State's witness."

The action was consistent with an April 1947 memorandum provided to another intelligence officer which indicated that one U.S. intelligence organization prohibited the employment of war criminals. (However, we could not find written agency guidance to this effect.) The April 1947 memorandum discussed the possibility of recruiting a former German Abwehr officer, and contained the following instructions:

> "It is requested that [intelligence officer] read this report carefully and discuss with you the possibilities of recruiting [Abwehr officer] as an operative . . . We would be willing to finance him

> and give him other assistances and would permit him to build his own organization under our supervision. . . . [intelligence officer] should check on [Abwehr officer's] present activities and determine . . . whether or not [he] is disqualified for work with us by virtue of criminal activities during the war, Nazi connections, etc."

Perhaps the quandary intelligence officers encountered over whether or not to use Nazis is best summarized by one officer's 1953 statement concerning their use.

> ". . . but one thing you can't deny is that the West is fighting a desperate battle with the East--with the Soviets--and we will pick up any man we can who will help us defeat the Soviets--any man no matter what his Nazi ecord was. Possibly not the worst ones--the war criminals--but a man in [his] category certainly would be acceptable to the West."

Axis collaborators--some were not Fascists but were anti-Communists

Among aliens employed by U.S. intelligence to fight communism were aliens who belonged to Axis collaborationist groups. We found that Axis collaborators had different reasons for supporting Germany. Although many collaborators were anti-Communist Fascists and pro-Nazi, other collaborators were anti-Communist but not particularly pro-Nazi. U.S. intelligence agencies used both types of collaborators after the war to fight communism.

During World War II, in several countries (e.g., Yugoslavia, Albania, and Czechoslovakia), various political or ethnic factions were fighting civil wars for control of their countries. Some groups aligned with the Allies were Communist-dominated. These Communist-dominated groups received allied aid and material which were used in part for the civil war. Some organizations competing with the Communist partisan groups for their countries' control found themselves in a tenuous position which the Germans exploited. Unable to receive allied aid to fight the Communists, they accepted German aid. Other anti-Communist groups at various times fought against both the Communists and the Germans and at various times received both German and allied aid.

A 1944 U.S. intelligence report on one East European non-Communist group helps to explain the Communist fear prevalent at that time which led people to collaborate with the Germans. The report called the group an agglomeration of individuals held together by their hatred of communism, anarchism, and terrorism

and by their fear of what would happen if the partisans succeeded in imposing their doctrine on the country. The report stated that the group's leaders included men of undoubted patriotism and high principles who knowingly aligned themselves with the Germans against the partisans. The report speculated that perhaps these men believed that the danger of communism was more pressing than the "benevolent" German occupation or perhaps they believed the German propaganda that the allies would join Germany to defeat Russia.

INTELLIGENCE AGENCIES INITIATED PROGRAMS TO AID DEFECTORS AND FORMER AGENTS TO EMIGRATE

With the exception of Project Paperclip (see p. 28), our review of agencies' files did not disclose any program instituted specifically for assisting Nazis or their collaborators to immigrate to the United States. Our investigation found that while most aliens employed by intelligence agencies did not receive immigration assistance and remained in Europe, many aliens, including some of those employed, were aided in immigrating to the United States and other countries.

One program we identified was established by the CIA in the early 1950s to, among other things, resettle some Soviet and East European defectors and some terminated CIA-employed aliens to other countries from the European area. Resettlement benefits accrued to aliens based on their cooperation, the length of their relationship, and the significance of their contribution to U.S. intelligence and its objectives. The documentation we reviewed showed that roughly 30 percent of these aliens were resettled in the United States and the majority of these were defectors. In addition, the documentation on the program and the cases we reviewed showed that U.S. immigration laws were respected.

Before the establishment of this resettlement program, aliens employed by U.S. intelligence expressed concerns about their future ability to immigrate to the United States. One East European anti-Communist group found itself in a dilemma--should its members continue their anti-Communist efforts or should they emigrate and start new lives? Comparing their situation with postwar emigres who already had started new lives, they believed their sacrifice to aid the anti-Communist struggle placed them at a loss. As a result they sought assurances of U.S. immigration and financial assistance. Many of them had families in their home countries and believed that continuing their anti-Communist activities created constant danger for these relatives.

Intelligence agency officials commiserated with these aliens. In internal memoranda discussing this situation, they

pointed out that members of the group had given up several opportunities to immigrate. One official wrote,

> "These men can never return to [their country while the communists are in power] and it is natural for them to desire to immigrate to the country employing them which they regard as the bulwark of democracy. This seems a small commitment to make when comparing the service of these men and the vast majority of immigrants to the U.S. who use their past suffering as a ticket to U.S. citizenship without having, for the most part, rendered any service to the U.S."

In addition to the above resettlement program, the CIA during the mid-1950s initiated a program to bring to the United States aliens whose service had been completed but whose immigration was desirable to maintain the security of intelligence missions and the aliens' safety. A key feature of this program enabled the CIA to conduct the background investigations required to assure the aliens' immigration eligibility. Such investigations normally are conducted by State Department visa personnel; however, in these cases the CIA believed that security concerns warranted a revised procedure. With the cooperation of the State Department and INS, the revised procedure was instituted.

From a listing of aliens resettled, we identified and reviewed the files of all aliens with German or East European backgrounds who were old enough to have participated in the war and who came to the United States under this program, a total of 17 aliens. Our review did not identify any questionable background information that would have disqualified these aliens' immigrations.

ALLEGATIONS ABOUT EMIGRES EMPLOYED BY OPC SPONSORED PROJECTS WERE INVESTIGATED

In 1954 in response to numerous allegations about the backgrounds of employees of Radio Free Europe and another project, the CIA initiated an internal review of these OPC initiated projects. An internal review committee investigated allegations that employees were, among other things, communists, fascists, and/or Nazi collaborators. In all, information was gathered on about 100 individuals, including those accused, their accusers, and other controversial emigres. The study recommended that 13 employees be terminated. One of the 13 employees had been alleged to be pro-Nazi and another a Nazi collaborator.

From the internal review committee's files we could not determine whether or not the recommended terminations resulted from the initial allegations or from some other determination. However, in making its recommendations, the review committee

stated that it had become evident that the derogatory information about these aliens could never be proved or confirmed. The committee also believed that few persons sufficiently possessed the historical background and perspective necessary for making a final judgment about these matters.

An early planning document discussing membership in the projects shows that aliens with compromised Nazi pasts were not to be included. A July 1948 memorandum to the CIA Chief for Central Europe discussed the establishment of a national committee of emigres in the United States and its members. The memorandum further discussed two East European emigres, one of whom was acceptable for the committee because he was anti-Communist and anti-Nazi and the other who was unacceptable due to his Nazi past. A January 1954 memorandum to the CIA Chief for Southern Europe shows that ex-Nazis' memberships in national committees were still shunned. In discussing an ex-Nazi collaborator and emigre leader joining a national committee, the memorandum stated that his collaborationist activities made his entry into the national committee impossible.

The 1954 CIA internal review committee found that for years emigres had been dealt with and used although their full histories and ideologies were unknown. The committee found fault with the centralized file system used as the source of emigre background checks. Its review found it necessary to gather and process information from at least 11 other major sources.

A former OPC intelligence officer told us that as early as 1949, questions existed within OPC about the backgrounds of some aliens assisted to enter the United States. The intelligence officer told us that in 1949 and 1950 he was told by another OPC officer that OPC was assisting emigres, some of whom had questionable backgrounds, to enter the United States. The officer interviewed said that back then it was difficult to adequately check an emigre's background. He added that informally and without authority he made checks on some of the emigres who had entered the country. The officer, a former INS officer, could not recall any instance where it appeared that the emigre's entry had been illegal. Subsequently, as a result of the above, the intelligence officer was assigned to oversee alien entries. He stated that he instituted procedures to require in-depth security checks before assisting alien entries.

UNITED STATES GOVERNMENT BROUGHT NAZI SCIENTISTS AND ENGINEERS TO THE UNITED STATES

In addition to its use of former Nazis for Cold War intelligence, the United States initiated an effort and found itself competing with other allies and the Soviet Union to recruit and employ German scientists and engineers. German scientists and

engineers had been in the forefront of technological advancements in areas such as aeronautics missile guidance, and chemical warfare. As early as July 1945 the Joint Chiefs of Staff approved a project to tap Germany's scientific and technical expertise. This project, initially called Overcast but renamed Paperclip, authorized the recruitment and short-term employment in the United States of 350 German scientists and engineers. The number of scientists authorized for recruitment was later increased to 1,000. At one point the United States had identified 24,000 German scientists. They were to assist in the development of weaponry that could be used against the Japanese in the ongoing war. The recruitment of the German scientists by the United States would not only aid its scientific development but also deny other nations, particularly the Soviet Union, an opportunity to obtain their services.

The Departments of State and Justice, the Joint Chiefs of Staff, and the military services established the procedures for processing the immigration of these scientists and engineers. Prior to their entry the military investigated their backgrounds and aliens who could be considered war criminals or undesirables, including active participants in the Nazi regime, were to be screened out. According to the War Department's Chief for Intelligence, membership in the Nazi party before 1933, party leadership at any time, conviction by a denazification board, charges or conviction of a war crime, or a criminal record were all presumptive evidence of ineligibility under the program. The procedures also required the Department of Justice and the FBI to review the aliens' backgrounds and concur in each case before making a recommendation to the Department of State for a visa issuance.

Although aliens who were active participants in the Nazi regime were not to be brought to the United States, the military's security investigations revealed that the majority of Paperclip recruits were Nazi party members or members of its affiliates. The investigations concluded that with few exceptions, such memberships were due to exigencies that influenced the lives of every German. In April 1948 the Director of the Joint Chiefs of Staff's Joint Intelligence Objectives Agency said that too much emphasis was being placed on the recruits' Nazi affiliations without giving due weight to the circumstances under which the affiliations were formed. He added that Nazism from a security threat standpoint had been destroyed by the war and no longer existed.

The recruitment of German scientists and engineers under Project Paperclip ended on September 30, 1947. Thereafter, only in special cases could aliens be considered for entry and then only in the interest of national security. As of April 1951, the United States had recruited through the project 528 German

scientists and engineers of which 459 had immigrated to the United States.

During the Paperclip recruitment, allegations against some recruits arose. Project policy was that if evidence was uncovered that any recruits still professed Nazi ideology or other objectionable ideologies, they were to be returned to Germany. In 1947, one recruit was returned to stand trial as a war criminal but was found not guilty. Paperclip records show that other scientists were also believed questionable and were closely watched.

In October 1984, OSI announced that one Paperclip recruit, Mr. Arthur Rudolph, returned to Germany voluntarily and renounced his U.S. citizenship rather than face denaturalization and deportation proceedings. Mr. Rudolph, who had been employed by the National Aeronautics and Space Administration, was accused of contributing to the deaths of thousands of slave laborers conscripted to work in the development and production of Germany's V-2 rockets.

ALIENS WITH UNDESIRABLE OR QUESTIONABLE BACKGROUNDS WERE ASSISTED IN IMMIGRATING TO THE UNITED STATES

Although we found no specific program to aid the immigration of undesirable aliens, we identified five aliens with undesirable or questionable backgrounds who were aided in their immigration to the United States. Before their immigration, four of these aliens had assisted U.S. intelligence agencies in some manner. In one case, it is not clear whether he assisted U.S. agencies before he immigrated. The immigration assistance provided by U.S. agencies varied. Among the five aliens were two alleged war criminals, a former Nazi SS officer, a convicted conspirator in an assassination, and a traitor. OSI told us that it is taking appropriate investigative action regarding these five cases and those noted on pages 35 to 40.

In addition to the aid provided the above aliens, we found that two of the aliens were protected from investigation. In one case, the CIA invoked national security reasons to legalize an alien's immigration status. In the other case, we were unable to identify any action taken by an intelligence agency once it learned of derogatory information about one alien's wartime background.

We have no basis for assuming that these aliens represent the universe of such immigrations. The following summarizes these cases.

Subject A

This subject, now deceased, was an operational contact and collaborator for a U.S. intelligence agency beginning in the late 1940s. During World War II, he was a paid Nazi intelligence agent and a cabinet member in a German-sponsored East European government. Following the war, the subject was listed as a wanted war criminal by the United Nations War Crimes Commission based on information submitted by an East European Government that he planned and ordered the executions of suspected Communist sympathizers. In the mid-1950s he immigrated to the United States with the assistance of a U.S. intelligence agency.

U.S. authorities were aware of the charges against the subject as they discussed the legitimacy of the war crimes charge. Additionally, U.S. authorities had reliable wartime intelligence which described his collaboration with the Germans and which contained war crimes accusations.

In 1949, a U.S. intelligence officer contacted the subject. This contact was initiated by another country's intelligence service for whom the subject was a source of information. The officer reported that although headquarters undoubtedly held voluminous files of adverse information on the subject, he found the subject to be a "person of uncompromising personal honor" who was "motivated by purely patriotic considerations." Despite his wartime record, U.S. intelligence officers in Europe found the subject's ardent anticommunism appealing.

Subsequently, the subject became an operational contact and source of information in Europe for a U.S. intelligence agency but was never a paid agent. After several years of collaboration with U.S. intelligence, the subject applied for immigration to the United States as an escapee under the Refugee Relief Act. To assist the subject who was applying through normal immigration channels, the intelligence agency's field office contacted its counterpart office in the city where the subject had applied for a visa. The field office requested the counterpart office's assistance in seeing that the subject's immigration application was processed through the consulate with minimum delay.

Upon learning of the proposed immigration, the intelligence agency's headquarters office cabled the field office stating that it was unaware that the subject had wanted to immigrate to the United States and inquired about his plans after immigrating. Although headquarters knew the subject's background, the memorandum raised no questions about the subject's eligibility for immigration.

Approximately 1 year later, the subject, still seeking a visa, encountered problems after undergoing a routine interrogation at the consulate. He refused to answer certain questions

which would have revealed work he had performed for U.S. intelligence. The interrogators apparently understood his dilemma and explained that they needed some form of assurance in the matter. Subsequently, the field office again contacted its counterpart office. The field office attested to the subject's collaboration with U.S. intelligence and its belief that the subject would make a credible U.S. citizen.

Shortly afterwards, the Department of State contacted the intelligence agency's headquarters asking it to check its files on the subject. The intelligence agency informed the Department about his German collaboration and that he used his position to perpetrate extreme brutalities against the Communist-led partisans. It also informed the State Department that the subject was a leader in the fight against communism and a man motivated by purely patriotic considerations. Six months later, the subject received a visa.

An intelligence agent who thought highly of the subject said that collaboration is somewhat of a misnomer as it is applied to people of this East European country. He stated that the upper classes in this country were always educated in other countries and, therefore, had close ties to those countries. In this particular case, the subject had been educated in Austria, spoke fluent German, and was an acquaintance of some high ranking German officials. Because of the above, his serving with Germany would not be surprising especially considering his staunch anticommunism. The agent stated that he was unaware of war crimes charges against the subject.

Subject B

Subject B, now deceased, occupied many positions of trust as part of a Nazi-appointed government in Eastern Europe. During this period he was alleged to have been involved in massacres of several thousand civilians, predominately Jews. For such acts he was denounced in 1947 as a war criminal in the U.N. General Assembly.

About 1951, this subject was approached in the U.S. zone of Germany by a Soviet agent who attempted to recruit him. He reported this approach to a U.S. intelligence agency and assisted that agency in the Soviet agent's eventual apprehension and conviction. For his actions, the intelligence agency assisted him in immigrating to the United States several years later.

Before and after his emigration, he was employed on a project that was financed and supervised by another U.S. intelligence agency. Although he held an official position in this project, he was unaware of the intelligence agency's relationship to this project. The intelligence agency, however, was

aware of the subject's background and had established a file on him in 1949.

As the subject advanced to higher positions within the project, the U.S. intelligence agency had to approve him for each position. In a 1961 memorandum considering the subject for a position, one intelligence official after reviewing derogatory information about his past stated,

> "The unfavorable information . . . reflects that Subject . . . has been and perhaps remains ardently Fascist in his political orientation. In view of this probability, the concern of this office is . . . that he would manifest anti-American and for that matter anti-democratic sentiment. In view of this probability, this office recommends against the Subject's use . . . It is felt that his continued use might be a source of embarrassment to the Project and/or the [intelligence] Agency."

The intelligence agency, however, approved him for the position but stipulated, among other things that his products, if any, be monitored for any possible anti-American sentiments.

In the late 1970s, OSI initiated an investigation of the subject who, by that time, had acquired naturalized citizenship. Their investigation found that prior to his naturalization, no intelligence agency had provided INS with derogatory information on the subject, although background checks were requested and derogatory information was available in their files. OSI also found that the subject did not provide derogatory background information requested on his naturalization application. Before OSI could initiate prosecutive actions to denaturalize the subject, he died.

Subject C

This subject, now deceased was a principal agent for U.S. intelligence beginning in the late 1940s. He was an early member of the Nazi party and an officer in the Allgemeine SS and the SD. During the war's final months, he offered his services to the U.S. military where he assisted in the capture of many high ranking Nazis. In 1947, he was employed by a U.S.-sponsored intelligence agency and in 1949 by a U.S. intelligence agency. As a reward for many years of faithful service, the intelligence agency in the mid-1950s sponsored the subject's immigration to the United States. He immigrated under provisions of the Immigration and Nationality Act, 1952.

Although most details of the subject's Nazi career and his Nazi affiliations were known by the U.S. intelligence agency, the agency was unaware that during the late 1930s he had been

involved in the confiscation of Jewish properties and the resettlement of Jews. During a preimmigration interview, the subject lied about his early Nazi career. Also, captured Nazi personnel records failed to disclose details of his early career. Not until the early 1960s did the intelligence agency, through other captured Nazi documents, learn of his early Nazi assignments. We were unable to identify any action taken as a result of this discovery.

In aiding this subject's immigration to the United States, a U.S. intelligence officer accompanied him to a U.S. consulate where the consular officers considering issuing the visa knew the intelligence officer's agency affiliation. The intelligence officer also had procured, and provided to the consular officers, a military background check on the subject which provided no derogatory information. The intelligence officer informed the consular officers that the subject also had a security clearance from the intelligence agency. In the course of his interview at the consulate, the subject admitted that he had been a Nazi party member. However, he said that he had been an officer in the Waffen-SS rather than admit his membership in the more detested Allgemeine-SS. The visa was granted.

After learning of the visa's issuance, the Department of State queried the consul as to why a visa had been issued to the subject. Shortly after learning of the State Department's query, the intelligence agency cabled its headquarters suggesting that it forestall any State Department orders to cancel the visa. We could not ascertain whether any headquarter's action resulted from this suggestion.

Headquarters did, however, contact the INS and advise it of the subject's entry. Headquarters informed INS that the subject had been employed abroad for several years, that the agency had conducted a full investigation of the subject, had no reason to believe him inadmissible, and requested INS to expedite his entry. Yet, some within the intelligence agency did have questions about his admissibility. Only 5 months earlier, intelligence personnel discussed how to ease the subject's U.S. entry because he was inadmissible due to his Nazi party and SD memberships. Furthermore, they said it was apparent that the Department of State's background investigation would have to be controlled.

Agency correspondence, however, implied that INS would be fully informed of the subject's true background. In one correspondence, the agency headquarters informed the field office that the subject would not be entering the United States under false pretenses and that INS would have information about his past record in a secret file. [Our check at INS failed to identify the existence of any classified file associated with the subject's entry or any ruling allowing his entry.] Headquarters

speculated that his entry into the United States would be legal. Headquarters stated that it was requesting INS to give this case favorable treatment. However, headquarters warned that for both the subject's sake and the agency's, the subject should not apply for any sensitive jobs or government positions, even after becoming a citizen.

Subject D

This subject was used by U.S. intelligence in Europe after the war. Documentation reviewed shows that during the 1930s the subject, a member of an underground nationalist revolutionary organization, was convicted for complicity in planning the assassination of a high East European official. Sentenced to death, he appealed the conviction. A higher court upheld the conviction but his sentence was subsequently commuted to life imprisonment. When the Nazis invaded this East European country, he was able to escape from prison. During the war he was alleged to have cooperated with the Germans initially but later fought against them. He was also alleged to have committed terrorist acts and to have fought against the Communists. Following the war, a high German source reported that this nationalist revolutionary organization rendered valuable services to the German war effort.

The subject was considered extremely valuable by U.S. intelligence. Because of fear for his personal safety and his familiarity with U.S. intelligence operations, the CIA brought him to the United States under an assumed name. Before his immigration, the CIA provided INS with some details of the subject's background including that he had been sentenced to death for nationalistic activities. However, his true identity was not disclosed. About 2 years after his entry and after learning his true identity, INS informed the CIA that it was investigating the subject and that the investigation could lead to the subject's deportation. According to the CIA file, INS had learned that the subject's conviction had been for involvement in an assassination and that allegations of terrorism existed against him.

Subsequently, the CIA requested approval for the subject's permanent residence in the United States under Section 8 of the CIA Act of 1949 which allows the CIA to bring 100 individuals a year to the United States for national security reasons regardless of their past. The request included a justification which contained details about the subject's background including his assassination conviction and the alleged terrorism acts. In 1952, the Director of Central Intelligence, the Attorney General, and the Commissioner of INS agreed to admit the subject in the interest of national security without regard to his inadmissibility under any other laws.

Subject E

This subject, an alleged traitor, was brought to the United States by an intelligence agency because of his expertise on the Soviet Union and the Far East. In 1942 he was caught by the Germans when the area where he was located was overrun. Because he spoke German, he acted as an intermediary between the occupying forces and the local populace. Later he traveled to Germany arriving there in May 1943. After his arrival in Germany, he worked at two institutes where he did research on Mongolia. Both institutes were sponsored by the German security service. Information from these institutes was provided to German foreign intelligence.

Upon the collapse of Nazi Germany, the subject was arrested and interrogated. A November 1946 interrogation report by an Allied government concluded that (1) the work he performed in Germany was a long way removed from the "seamier side" of the security service's activities; (2) his description of his capture by the Germans and subsequent contacts with them was truthful; and (3) the accusation that he was a traitor (reduced from war criminal) appeared to be the case.

In May 1947 the allied government approached U.S. intelligence with the suggestion that the subject could be of possible intelligence interest to the United States. This government found the subject to be a source of embarrassment because of a request for his return and accusations against him. The government asked if U.S. intelligence could send the subject to the United States where he could be discreetly resettled.

Discussions about the subject took place in U.S. intelligence circles as early as May 1947, but contact was not made with him until May 1948. In October 1948, a U.S. intelligence agency began efforts to bring the subject to the United States. Among those agencies with knowledge of the efforts to bring the subject to the United States were the State Department, the Joint Chiefs of Staff, and the FBI. Whether the INS was notified at this time is not clear. The subject entered the United States in May 1949 on a displaced person's visa. The FBI was notified of the subject's entry about a week before he entered. Upon his arrival, he was presented to the INS which processed his entry.

ALIENS WITH UNDESIRABLE
OR QUESTIONABLE BACKGROUNDS
IMMIGRATED WITHOUT U.S. ASSISTANCE

In addition to those aliens with undesirable or questionable backgrounds who were assisted in some way to immigrate to the United States, we identified seven others with undesirable or questionable backgrounds who immigrated but were not assisted. In each case,

these individuals had an association with U.S. or allied intelligence agencies either before or after their immigration.

We have no basis for assuming that these aliens represent the universe of such immigrations. The following summarizes these cases.

Subject F

This subject was appointed leader of the national police by an East European country's prime minister and served in this capacity during what intelligence reports characterized as the cruelest Nazi occupation period. Evacuated to Germany during the Nazi collapse of April 1945, he was soon arrested by U.S. military and placed in a prisoner of war camp. In early 1948, he was employed by U.S. intelligence to gather intelligence in Eastern Europe.

In 1950, the subject attempted to immigrate to the United States. However, his application was turned down after a U.S. intelligence agency provided derogatory information about him. Shortly afterwards, he emigrated to South America. In 1964 under provisions of the Immigration and Nationality Act, he immigrated to the United States. In 1971, he became a citizen. Nothing in the files reviewed indicates that either of his immigrations were aided by U.S. agencies.

Information contained in his immigration file, however, shows that in 1963 a U.S. intelligence agency responding to a Department of State name-check request provided information on his wartime background. Copies of its response to the Department were also sent to the FBI and the INS. Further, the file shows that prior to his 1971 naturalization, an INS Assistant District Director for Citizenship requested a character investigation on the subject based on the 1963 intelligence agency response. That investigation did not establish any evidence or information adverse to the subject's moral character and loyalty to the United States.

Subject G

This subject was a Fascist youth leader and the editor of the official newspaper of the youth branch of an East European Fascist party. Additionally, he was a propagandist and commentator on a radio station operated by occupation forces. In late 1946 after lying about the country he resided in during the war on his visa application, he immigrated to the United States as a displaced person.

In 1951 the subject was hired by Radio Free Europe in the United States after providing similar false information on his employment application. His employ brought criticism from

emigre circles which accused the subject of being a Fascist youth leader during the war. An investigation completed in 1953 on the subject and other personalities of Radio Free Europe identified only the subject as having an "unsavory" record. Shortly after the completion of the investigation, the subject's employment was terminated. The subject's file did not disclose the reason for his termination. We could not identify any other actions taken as a result of the investigation.

Subject H

This subject, now deceased, was the military representative of an East European political group. He was accused of participating in the planning of the same executions as Subject A. As a result, he was accused by a postwar East European government of being a war criminal. This accusation was confirmed by an allied military mission which identified the subject as one of only a few from this country who could be so classified.

The subject immigrated to the United States from a Middle Eastern country in October 1951. Shortly after his U.S. arrival, a request for a name check solicited the following response from an intelligence agency, in part, "subject's classification as a war criminal by the present [country deleted] government should be evaluated in the light of similar classifications of most of the important wartime anti-Communist leaders. The extent of subject's collaboration with the Germans cannot be determined from file traces at this Headquarters; however, it should be stated that many nationalistic and prodemocratic [nationality deleted] did collaborate with the German war occupation authorities because the latter were less feared than were the leaders of the [Communists]."

This, however, may not have been the case with the subject. In reviewing an interrogation report of a captured Nazi officer responsible for intelligence in this East European country, he described the subject as a leader of one of the national groups formed by the Germans or supported with German armaments and ammunition. The officer stated that, with the exception of the subject, the group leaders collaborated with Germany because of their hate of communism not their love of Germany.

After his arrival in the United States, the subject was, to a limited extent, a source of information for an intelligence agency and a broadcaster over Voice of America.

Subject I

This subject, now deceased, was one of the Gestapo's chief agents in an East European country. In 1941, the Germans appointed him mayor of a large city where he had jurisdiction over the municipal, political, and criminal police forces. In 1944

with the Russians approaching he went to Germany where he remained until 1947.

In 1949, the subject emigrated to South America from a West European country where he had gone as a volunteer worker. Soon after his arrival in South America, a U.S. intelligence agency contacted him and proposed a plan for his use as an agent. Before his employment (which had been submitted to headquarters for approval) could be decided, he accepted a position with a South American government.

The subject immigrated to the United States in 1960 under the Immigration and Nationality Act.

Subject J

This subject served for several months as the Minister of Justice in a Fascist-imposed cabinet of an East European government. Intelligence reports characterized this as the cruelest of this country's Fascist-imposed cabinets. Earlier, however, the subject, a highly respected prewar jurist, helped organize a nationalist resistance group. In February 1949, he immigrated to the United States as a displaced person. Several months after arriving, he became an officer of a committee of the National Committee for Free Europe.

Two years after his admittance to the United States the INS investigated the subject and questioned him about his wartime service in the Fascist cabinet. The subject responded that he accepted the Minister of Justice position as a means to accomplish the goals of the resistance. He stated that the Fascists were unaware that he was a member of the resistance. He stated that he was neither a sympathizer nor a collaborator of fascism. Furthermore, he stated he resigned his position because of Fascist persecution of nationalists. However, shortly after resigning this position, he was appointed to and served in another high-level position on the criminal court. After several years of investigating the subject, the INS closed the investigation due to insufficient evidence.

Before INS' investigation, the subject's wartime record was of concern to officials of the National Committee for Free Europe. One official wrote that his record makes the National Committee vulnerable to attack as supporting a Fascist sympathizer and a collaborator. An intelligence agency official commenting on the above stated that the subject's Fascist sympathies based on his record of several months service in the cabinet is a moot question. He stated that it is believed that he accepted the post as a matter of expediency and not because of any desire to serve the Fascists.

Subject K

This subject, now deceased, was a former official of a German sponsored government. He was an emigre leader after the war who lived in several countries before immigrating to the United States in 1961 under provisions of the Immigration and Nationality Act. He appears to have been associated with an allied intelligence service and later employed by a U.S. intelligence agency.

In January 1948, a U.S. intelligence officer commenting on the emigre groups with whom the subject was associated said in part that some of the old time politicians who were very popular and influential dare not meddle in politics nor even reveal their names and addresses for fear that they may be turned over to their country of origin for their past cooperation with the Germans. The subject was one of the politicians mentioned. In January 1948 another intelligence officer wrote that an evaluation of the reliability of key figures in this particular emigre movement is difficult because many of them have records of having cooperated rather closely, though perhaps under pressure, with the Germans. He added that over time this will become a negligible factor, permitting these people to be approached more safely. In February 1948 the subject told a U.S. intelligence officer that his emigre group's collaboration with the Germans was merely a formal and tactical cooperation.

A U.S. intelligence agency employed the subject in the 1950s despite its knowledge of his German collaboration.

Subject L

This subject, a former East European collaborator who held several cabinet positions including Minister of Interior, was a wanted war criminal, and was admitted as an immigrant to the United States in the late 1950s. The government allowed his immigration despite full knowledge of his background and despite having rejected his entry on two prior occasions. In 1946 the United Nations War Crimes Commission found merit in the charges against this individual and listed him among its wanted war criminals. In 1947 a pre-Communist East European country's court found him guilty in absentia and condemned him to death.

Upon learning of his U.S. entry, a CIA official contacted the Department of State to inquire how this individual could have gained U.S. admission in light of his background. A Department official replied that this individual's visa application had engendered considerable discussion. However, regardless of his background and the opinion of some in the Department of State that his admission was not in the public interest, the visa officer and the consulate found nothing substantial upon which to base a visa refusal.

Department of State records show that in the late 1940s the subject applied on two occasions for a U.S. immigration visa. Both applications were denied because he was found to be ineligible under wartime regulations which precluded the issuance of a visa to anyone whose U.S. entry was deemed prejudicial to the public interests.

After enactment of the Immigration and Nationality Act in 1952 the subject reapplied for admission. The subject's case was examined by officials at the U.S. consulate where the application had been filed and their review found him eligible for a visa. However, before granting the visa, the consulate requested the Department's opinion in the matter. The Department investigated the case and found no basis in the law with which to disagree with the consulate's conclusion.

In a letter to a Congressman explaining its decision, the Department stated, "membership in or affiliation with the defunct Nazi Party in itself does not constitute a ground of ineligibility . . . Therefore, previous collaboration with the Nazi Party in and of itself is no longer a disqualifying factor in considering eligibility for a visa." In addition, the Department did not believe that the subject's conviction in absentia could be considered a basis for exclusion. Elaborating on this point, the Commissioner, Immigration and Naturalization Service replied to a citizen query objecting to the subject's entry, "the settled administrative view which has been applied uniformly by the Department of State and this Service is that a 'conviction in absentia'. . . is regarded as repugnant to Anglo-American concepts of justice. Under this doctrine the provisions of [the Immigration and Nationality Act] did not operate to disqualify [the subject] from admission to the United States."

About 16 months after his entry, the subject departed the Unites States citing his inability to make a living. Three years later, his permanent residence card expired due to his prolonged absence from the United States.

(183535)

Mr. MAZZOLI. Thank you very much, Mr. Jones.

I would yield myself 5 minutes to begin the questioning.

In going through your report, I believe these figures are what I gleen from the report and perhaps you can tell me if I am wrong.

In the summary, on page small ii—small i, the first page, you say after World War II some 550,000 refugees and displaced persons came in either under the Displaced Persons Act or Refugee Act.

I gather that of the 550,000 that came in, 900 cases are now either pending or settled, is that correct, in the OSI?

Mr. JONES. It is our understanding that since its inception as a special litigation unit and up to its organization as OSI, there have been a cumulative total of 900 allegations made alleging the presence in the country of alleged Nazis, and Axis conspirators.

Mr. MAZZOLI. If I understand you said that there were 144 case files reviewed by the GAO investigators, is that correct?

Mr. JONES. 114 I believe.

Mr. MAZZOLI. 114, OK.

Mr. JONES. We started with 11 and we have 103 others.

Mr. MAZZOLI. Of the 114 that were reviewed then, you found 12 to have been questionable or have undesirable backgrounds?

Mr. JONES. Yes, Mr. Chairman. Let me phrase it another way.

Mr. MAZZOLI. All right.

Mr. JONES. We found five cases in which there were a couple of SS officers, a Nazi war criminal, a convicted murderer and an alleged traitor who immigrated to the United States and in all cases with assistance. The additional 7 individuals of the total of 12 had immigrated to the United States; they had questionable backgrounds and by that, as we said in our report, we mean there was information subsequently uncovered that a reasonable person would have challenged their entry had that information been available to them when the person tried to enter the country.

That constitutes the universe of 12.

Mr. MAZZOLI. So you found 114 cases reviewed, 12 of which were found to have some questionable or undesirable features; 5 of those 12 who immigrated into the United States received, in your judgment, assistance from the U.S. Government in that move into the country; 7 of the 12 got into the country with questionable backgrounds, but apparently without assistance from the U.S. Government.

Mr. JONES. As far as we can tell, that is right.

Mr. MAZZOLI. You say further on your page "iii" that you were not denied access to any files that you requested and that you had essentially full cooperation from the Government, but you would put a qualifier on that because you say you are not sure that you got all the information, because of the fact that some information may be under certain innocuous titles of some sort.

Let me just ask this question. Did your investigation endeavor to analyze based upon perhaps past recordkeeping, past cataloging of these files by the various Government agencies, or try to, in effect, as we used to do in law school, think one step ahead of the bar review question and anticipate what they were looking for, did your investigators try that?

Mr. JONES. They used good, ordinary investigating techniques, yes. I am going to let my lead investigator respond to that.

Mr. MAZZOLI. Yes, Mr. Tipton, since you worked on that.

Did you try to outthink those people who might have had nefarious schemes in mind and we have only to suspect they might have, because there is no information they would have.

Assuming you wanted to ferret out information and you might have a belief that people might try to hide some of it under some innocuous or innocent title, did you make any effort or did any of your subordinates or associates try to think a way through their filing scheme to see if you could ferret out these names?

Mr. TIPTON. We tried, through checking anything referring to resettlement, if we saw resettlement on it.

Mr. MAZZOLI. Any time that sort of term appeared that raised a red flag?

Mr. TIPTON. Yes.

Mr. MAZZOLI. Were there just the 114 that struck your attention or did you get beyond the 114? Were there more cases than that?

Mr. TIPTON. That is the ones we had looked at. We don't know if there were more or not. The total number of aliens resettled would be classified, though, as far as the number.

Mr. GLICK. Mr. Chairman, there are resettlement programs at the agencies that they had during that period. Usually those were to resettle defectors and occasionally agents that worked for the agencies overseas. The numbers involved in those cases would be classified information, the numbers that they brought into the country. We did look at some of those to try to determine whether they were Nazis.

Mr. MAZZOLI. Let me go down to the bottom line. GAO cannot be sure it obtained all relevant information. However, GAO believes its review was sufficiently broad and unrestricted to state that this report conveys—this report fairly portrays conditions that existed following World War II.

Mr. Tipton, Mr. Jones, as a professional organization, this is your position that while you cannot be sure that you saw every single file because of the way they are filed, because of the destruction of some records, because of the failure of mental acuity of some people you interviewed, that despite these possibilities this analysis would indicate to you a fair portrayal of the universe?

Mr. JONES. I think what we are saying is that we feel based on our work that both the conditions that existed in the country, post World War II, and the data that we have gathered, allow us to make an inference that we feel pretty confident there exists no formal—let me do something I didn't do in the report—overt programs designed specifically to assist Nazis or Axis collaborators to immigrate to the country, and to aid them once they got here.

Now, I am certainly mindful of the excellent article by Ms. Hunt, which discusses Paperclip, which was designed to bring in scientists, some of whom, and we know recently of one, decided to give up citizenship rather than face a factfinding forum. Those situations are on record as having existed.

I have no reason for doubting that they might still exist. However, the General Accounting Office does not feel that we have such evidence. If you said Mr. Jones, I direct you to begin another review tomorrow, I would say Mr. Chairman, I would be glad to do it because we are here to serve—but I think that effort would

result at best in working at the margin. I think we would come up with the same general conclusion that there was no evidence of overt programs designed with this specific goal in mind, one, to assist them enter, and to aid in the resettlement of them.

But my language is very specifically chosen.

Mr. MAZZOLI. I thank you very much. My time has expired. The gentleman from New York.

Mr. FISH. I pass at this point, Mr. Chairman.

Mr. MAZZOLI. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. FRANK. Thank you, Mr. Chairman.

I appreciate your giving us the opportunity to air this. I want to say at the outset that this is my fifth year in Congress, and I have never been more disappointed in a GAO work product than I am today. I believe it is totally inadequate. I have a great deal of respect for the work the GAO does. I understand there were constraints that you were under. But I don't think that explains fully this report.

I want to just make explicit one thing. When this first book, and other allegations came out, we asked the chairman of the subcommittee who was cooperative and the chairman of the full committee who was cooperative in asking GAO to look into this. More than 3 years have elapsed and during that period of time, there were people who were impatient, people who called my office and talked to me and said, what is happening.

I thought and the chairman of the subcommittee and full committee chairman thought that nothing should be done by us to interfere with that process. So we ought to have on the record that more than 3 years was taken to produce this report. No one said to us, "We need help; we need more resources; we need more pressure."

I think it is inadequate.

There are in my judgment far more instances than have been brought forward. I had hoped that this would be a hearing at which we could air this issue, deal with it, draw policy conclusions, and I must say now having had a chance to digest the report and read the comments and the testimony, I don't think you have laid this to rest. I think further has to be done.

I want to ask a couple of specific questions, the most important is what you just said, Mr. Jones, when you said there were no overt programs aimed specifically at aiding the Nazis.

If there were overt programs we would not have needed you. If they were overt, we would have read about them in the paper. No one thought that we were going to find a government program instituted to help Nazis resettle.

Telling us that tells us literally nothing. What we were interested in in part is covert programs, and particularly covert programs—again I don't think anyone was alleging on this subcommittee or elsewhere in the community of concerned people who are appalled at the fact that we allowed Nazis to become a part of our anti-Communist strategy, and that is as you said in the report and what you say in the report is accurate, compromises are our strategy, it is a matter of embarrassment to me to think that some of the

things the Soviets were saying about is in the United Nations when they were at their most irrational and brutal were true.

I hate to have to acknowledge that. When they accused us of using Nazis this way. It bothers me. We are and should be better than that.

But we weren't alleging these were programs specifically to aid Nazis. What the allegation is that there were covert programs which aimed as you said at combatting communism which overlooked the fact that these were Nazis. That is not telling us much to tell us there were no programs aimed specifically at Nazis.

To what extent were other motives there, combatting communism, and overlooked the fact these were Nazis, aid Nazis not for the purpose of just that, but broader purpose? The statement that you make there were no overt formal programs designed to specifically aid Nazis sounds almost like a very narrowly worded answer to the question to avoid having to deal with the broader implications. Maybe it wasn't fair to ask GAO to do this. Maybe that was the problem.

I am inclined to—at this point I would like to, Mr. Chairman, ask unanimous consent to put in the record a memorandum on this report, very critical, prepared by Elizabeth Holtzman, a former member of this committee and now district attorney. I would like to have that made part of the record.

I have spoken to Chairman Rodino about this and I know he has interest in that. I would be interested in getting responses to this report from GAO.

Mr. MAZZOLI. Without objection.

[The information follows:]

MEMORANDUM ON GAO REPORT ON U.S. AID TO NAZI WAR CRIMINALS IMMIGRATING TO THE UNITED STATES

The General Accounting Office's recent report on U.S. governmental help for Nazi war criminals' immigration to America is painfully limited and inadequate. The GAO documented the distressing fact that U.S. government agencies brought former Nazis here and deceived government agencies in order to secure their entry. But it did not disclose which agencies were to blame, the officials responsible, or the names of the war criminals who were helped. And it simply did not attempt, despite three years of effort, to uncover the full extent of U.S. collaboration with these former Nazis. The GAO examined only *12* cases of former Nazis who immigrated here — even though experts estimate that over 10,000 Nazis entered this country following World War II.

The whole story of government complicity in the bringing of Nazi murderers to the U.S. must be told. Because of the GAO's limited review of this subject, its report cannot remain the last word on this question.

The report's disturbing findings coupled with its serious failings point to the need for a full investigation—one that can be conducted only by an independent commission with full subpoena powers. Such a commission is necessary for several reasons. First, every Nazi murderer in the U.S. must be located and deported—and a commission review of those who were helped to enter could assist and enhance the important work already being done toward that end by the Office of Special Investigations in the Justice Department. Second, the scope of the deception by intelligence agencies of other government agencies must be thoroughly documented to prevent any repetition in the future. The U.S. should not become a haven for other war criminals or torturers who work for U.S. intelligence agencies in the same way it did for former Nazi war criminals. Finally, the intelligence agencies' apparent justification for helping Nazi murderers come to the U.S.—"morality was not a consideration" (p.20)—must be explored and understood to be countered effectively; it is as unacceptable today as it was then and dangerous to boot.

The GAO report, which could have been a major advance toward uncovering the full story of U.S. complicity in the immigration of Nazi war criminals, regrettably takes us only a few steps forward. Our major criticisms are set forth below.

I. METHODOLOGICAL DEFICIENCIES

The methodology of selecting cases for review was haphazard, illogical and far too constricted. Of the 12 cases it reviewed the GAO found that an astonishingly large percentage of the former Nazis—five of them, or 42%—was helped to immigrate by U.S. government agencies. (p. iii, p. 29) It also found that to help secure entry in the U.S. for at least two of these five Nazis (40%), U.S. intelligence agencies deceived U.S. agencies responsible for issuing visas or permitting immigration. (pp.31–34)

As the report itself noted, the Justice Department unit responsible for handling Nazi war criminal cases has already investigated approximately 900 alleged Nazis who live in this country. Rather than starting with this large pool of possible Nazi immigrants GAO examined a smaller pool of 114 aliens who seemed to have some connection with U.S. intelligence operations. Upon determining that only 12 of these were Nazis who actually came to the U.S. the GAO, rather than broadening its search, unnecessarily and unwisely limited the scope of its investigation to this small handful of cases.

Furthermore, investigators relied primarily on files given to the GAO by the very agencies being investigated, or former officials of those agencies. The information received from these sources seemed to be accepted without question or verification.

In addition, the GAO notes that documents in government files were missing, without explaining whether any attempt was made to detect any sign of deliberate destruction of files, or any pattern to the kind of documents missing. (p. 6) This, too, is an inexplicable lapse.

No attempt seems to have been made by the GAO to examine all relevant sources, most notably all the files and personnel of the Justice Department's Office of Special Investigations, the only federal government repository of information on Nazi war criminals in this country.

The GAO's efforts to analyze the contents of the files it examined appear to have been scant. In a 40 page document only three pages are devoted to analysis of the intelligence agency files. There is virtually no discussion or analysis of the files of other government or government affiliated agencies, including the military and the State Department.

Finally, the absence of documentation in the report is inexcusable. The documents used could have been declassified and in any case the information presented should have been footnoted. As it stands no one can confirm or contest the data.

II. EXISTENCE OF PROGRAMS TO BRING NAZI WAR CRIMINALS TO THE U.S.

The report contradicts itself on the main point of the investigation: were there programs to assist former Nazis to enter the U.S.? Although the cover of the report states that the "GAO did not find evidence of any U.S. agency program to aid Nazis or Axis collaborators to immigrate to the U.S.," the report in fact identifies three specific programs which helped some Nazi war criminals come here. (pp. 25–27) Furthermore, by phrasing its objective in unnecessarily narrow terms—was any program "instituted specifically" (p. 25) to help Nazis come here—the GAO avoided the real question: did *any* such programs exist, whether originally instituted for other reasons and later changed or instituted with several aims, but not specifically for the single goal of aiding immigration of Nazis.

Let us examine the programs the GAO discusses.

a. *Project Paperclip.*—Despite the GAO's conclusion that there were no programs to bring Nazis to America the GAO explicitly admits that there *was* a program under which the "U.S. government brought Nazi scientists and engineers to the U.S." (p. 27). Project Paperclip brought 459 scientists and engineers from Nazi Germany to the U.S. to work on the space and military programs. Obviously the GAO should have examined Paperclip recruits carefully; inexplicably, it did not. Moreover, the recent publicity given to one Paperclip recruit, Arthur Rudolph, should have led to a thorough investigation of other Paperclip cases. Rudolph recently renounced his citizenship and left the U.S. rather than face government deportation on charges that he was a top manager at a slave labor camp factory where people were worked to death in large numbers.

Finally, GAO seems to have overlooked President Truman's directive that prohibited Nazi war criminals from being brought here under Paperclip. GAO failed to examine the extent to which this order was subverted; it appears that it was in the Rudolph case.

In addition, as happens throughout the report, the facts in the report on Paperclip are wrong. For instance, the program did not end, as stated, in 1947, but continued until 1957. Such careless reporting calls into question the veracity of the rest of the report.

b. *CIA resettlement programs.*—Two other programs are mentioned in the report, both of which were established by the CIA to help Soviet and East European defectors and CIA intelligence sources resettle in various countries, including the U.S.

In one of these programs procedures were changed to allow the CIA, rather than the State Department, to perform background checks. (p. 26) The GAO reviewed CIA files on these cases and found nothing adverse. There is no indication that other sources of information were used and if that is true, relying solely on the CIA's own files here was an egregious lapse of judgment by the GAO.

Since the CIA wanted to bring these people to America, it may not have put information of a derogatory nature in the files or it may have removed such information. In fact, the GAO report documents elsewhere the willingness of certain U.S. intelligence agencies to have background investigations "controlled" or to deceive other government agencies in order to secure the entry of Nazi war criminals to the U.S. (see pp. 31–34).

With respect to the second CIA program involving East European and Soviet emigres, the GAO again appeared to rely solely on CIA files, clearly an inadequate approach. (pp. 25–26)

c. *Other programs to aid Nazis not investigated.*—Not only did the GAO apparently ignore the obvious with respect to Paperclip and the two CIA resettlement programs, but it also failed to investigate some clear leads. For example, the formal decision by the U.S. Displaced Persons Commission in 1950 to allow members of the Waffen SS to immigrate to this country seems to be a policy to help former Nazis immigrate. An expert in this area with whom we consulted asserted that government memos on this policy exist, yet no mention of this subject is made in the report.

As suggested above, the GAO failed to examine all relevant available evidence, and therefore may well have overlooked other such programs. Not only were known files such as those related to OSI and Paperclip not investigated properly, but other files may not have been examined at all. The GAO stated it had access to all documents requested, but acknowledges that other, unrequested files with "innocuous names" may exist, containing information on U.S. government ties to Nazi war criminals. (p. 6) Having admitted this possibility, GAO should have taken steps to find such files.

III. EVIDENCE THAT U.S. INTELLIGENCE PROTECTED SOME NAZI WAR CRIMINALS

Of the five alleged Nazis helped into the U.S. by the government, the GAO found that two of them entered because they were "protected." (p. 29) This is a euphemism. In fact according to the report, certain intelligence agencies that had worked with former Nazis secured their entry into America by deliberately deceiving the Immigration and Naturalization Service or the State Department. (pp. 31–34)

In one case involving an alleged Nazi war criminal, the GAO reported that no intelligence agency, despite requests from INS for background information, provided the derogatory information available in its files (p. 32).

Another case involved a U.S. intelligence agency's efforts to bring to this country a member of the SS. To achieve this, an intelligence agent accompanied the alleged war criminal when he applied for a visa, personally vouched for him, and stated that he had security clearance. The agent did not mention the SS man's suspected war criminal background. The agency subsequently took steps to "forestall any State Department orders to cancel the visa" and decided that "the Department of State's background investigation would have to be controlled." (p. 33) In addition, although intelligence officials told INS they would provide complete background information, the GAO found no such information in INS files.

In a third case, to prevent INS deportation of an accused assassin who collaborated with the Nazis the CIA invoked its power under the 100 numbers provision of the Immigration and Naturalization Act to stop deportation proceedings and grant him permanent residency (p. 34). This fact is extremely disturbing since the CIA had previously assured me in a meeting and in a Congressional hearing that it never used the 100 numbers provision to facilitate the entry of Nazis.

These findings are very serious. Apparently certain intelligence agencies and officers were willing to stop at nothing to bring former Nazis here, including deceiving other agencies of government. The narrowness of the GAO report makes it difficult to determine how widespread this practice was—although the Rudolph case suggests

that even a Presidential directive was disregarded, and this suggests that certain intelligence agencies and officers believed themselves above the law and acted accordingly.

IV. THE REPORT IMPROPERLY APOLOGIZES FOR USE OF FORMER NAZIS

The GAO report gives a simplistic and one sided view of the context in which the decision to use former Nazis was made. Relying only on interviews with intelligence agents, the GAO suggests that the exigencies of the cold war necessitated their use. To buttress its conclusion, the GAO cites the U.S. Department of Justice's 1983 report on U.S. protection for the notorious Nazi war criminal Klaus Barbie, the "Butcher of Lyon." But the Barbie report found that it was "indefensible" to help a wanted Nazi war criminal such as Barbie escape justice and also condemned U.S. officials for having illegally "interfered with the lawful and proper administration of justice" to achieve this objective. In ignoring these conclusions the GAO report is disingenuous and misleading.

In addition, the implication that the cold war justified protecting Nazi war criminals and bringing them here flies in the face of U.S. law and established public U.S. government policy, including the explicit provisions of the Truman "Paperclip" order, the Displaced Persons Act, the Refugee Relief Act, the 1978 amendment to the Immigration and Naturalization Act and the work of OSI.

The GAO also fails to point out the dangers of bringing Nazi war criminals into the United States. These dangers include their susceptibility to blackmail and to becoming double agents, the reprehensible values they bring to America and the embarrassment to the nation.

Missing throughout the report is any real feeling of the horrendous enormity of the crimes committed by the former Nazis. For example the notorious Waffen SS is defined only as "a military arm noted for its tough fighting qualities". (p. vi) The Waffen SS was responsible for innumerable atrocities including the killing of American prisoners of war.

The GAO's careless insensitivity to the subject matter is also illustrated by its definition of Nazi collaborators. It is broad enough to include all anti-Nazis in Eastern Europe, including persecuted Jews, which is absurd.

V. THE U.S. FAILURE TO EXAMINE THE "MORALITY" OF HELPING NAZI WAR CRIMINALS

The GAO report demonstrates that the morality of helping or employing Nazi war criminals was not a consideration for certain U.S. intelligence officials. According to a former U.S. intelligence officer interviewed by GAO, "morality was not a consideration then. His superiors were concerned only with results, not the ways and means by which results were accomplished." (p. 20)

This attitude was also evident in an internal intelligence memo quoted by the GAO which complained that while people who worked for the U.S. were being kept out of America including former Nazis, mere victims of World War II were granted entry. (The memo described these victims as people who "use their past suffering as a ticket to U.S. citizenship." (p. 26) The message was clear: according to the intelligence agent, anyone who shared information with the U.S. deserved a place in America. Those who merely suffered did not.

This philosophy was that the means justified the ends; there was no moral bottom line. The philosophy led to the protection of Barbie, and may have led to the protection of other Nazis equally notorious. As appalling as this attitude was the GAO failed to analyze it or assess its consequences.

VI. UNANSWERED QUESTIONS IN REPORT

Because of the serious flaws in the report many serious questions are raised but not answered, including the following:

How many Nazi war criminals gained haven in these shores after World War II with help from U.S. officials?

How extensive was that help? How many received not only entry visas but government jobs?

Who helped them? Was it low level bureaucrats—or high ranking officials?

Was there a government policy that enabled the immigration of war criminals here? If so, at how high a level was it approved?

How extensive was the deception used by intelligence agencies to bring Nazi war criminals here? Were laws violated? By whom?

Did intelligence agencies lie to Congress at any point during its investigations of this matter since 1978?

These questions demand answers.

VII. NEED FOR COMMISSION

An independent commission established by law is needed to conduct a thorough review of the issues raised by the GAO report.

The creation of such a commission is necessary because no existing government institution is equipped to do the job. The GAO has tried twice to address the subject of U.S. ties to Nazi war criminals with hopelessly inadequate results. Congress cannot conduct such an investigation and no executive department should since past executive branch practices may come under serious criticism.

The commission must have full subpoena powers so that the files of all government agencies—including the intelligence agencies—may be reviewed. It must also have the full support of our President, if the power to subpoena is to have real meaning.

The commission's mandate should be to uncover the nature and full scope of U.S. collaboration with Nazi war criminals, expose those responsible for aiding war criminals, determine who they were, at what level, why and how it happened and why these actions were kept secret from the American public.

There are precedents for the creation of commissions to re-evaluate past government policies. Recently a commission reviewed the internment of Japanese-Americans during World War II. The commission exposed the impropriety of U.S. actions and proposed remedies. The same action must be taken with respect to U.S. protection of Nazi war criminals.

The issues to be examined by the commission are of importance to Americans today. Refugees of questionable background may still be permitted to enter this country, as evidenced by recent immigration from southeast Asia and Cuba. Intelligence agencies may still conceal derogatory information about persons they are protecting from other U.S. agencies or the Congress—and commit crimes in the process. An investigation by an independent commission on U.S. government aid to Nazi war criminals' immigration to America will be an important step towards protecting the public in the future.

VIII. CONCLUSION

In the past decade, the Department of Justice and the Congress have taken vigorous steps to undo years of secret U.S. government use of Nazi war criminals. But this task will not be completed until the full story of this complicity is known and made public. A comprehensive, independent investigation will resolve the unanswered questions and in doing so will signal to the world that collaboration with mass murderers and war criminals is intolerable. Disclosing the whole story will also serve to help right the wrong done to those most affronted by that policy—the millions of Hitler's victims and millions of Americans who fought him.

The actions of U.S. intelligence agencies and officers documented in the GAO report—working with suspected war criminals and mass murderers, following a morally bankrupt policy and deliberately deceiving other government agencies—took place without public disclosure. The only way to avoid repetition of these practices is to ensure public exposure of the actions and those responsible for them. Yet the GAO report names none of the individuals involved—neither the objects of the investigation nor the U.S. government officials who instituted or acquiesced in these policies. Those who would seek to engage in secret, shameful acts in the future of the kind the GAO documented should know there will be no historical cover-up to shield them from public censure or criticism. That perhaps will be the strongest and surest deterrent.

The public has a right to know the full story. Time is of the essence. We have already waited for forty years. We should not have to wait any longer.

Mr. FRANK. Thank you, Mr. Chairman.

What about covert programs that were not aimed to bring Nazis here, but overlooked the fact that they were Nazis and helped them as a part of a broader support which is the graveman of the charge.

Mr. JONES. I am disappointed that you feel the report was not as responsive as I thought it would be. We did work with staff on many occasions as we went along. However, to address your issue, one of the things we pointed out in the report, notwithstanding a

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narrow or nonnarrow definition of "program," we uncovered through investigative methodology not audit methodology, from our trail of 114 people, 5 and an additional 7. I might say that maybe we should have spent more time, more effort to find more, but the nature of an audit and oversight assistance arm is more to look at programs, not individuals.

We found five people, two of whom were former SS officers—and I am repeating myself—who came into the country assisted by agencies as individuals and in two instances, we pointed out that some material was withheld from cognizant agencies.

This is what we found in the course of our review. So——

Mr. FRANK. One last quick question if I could. I take it from what you say the 12 you came up with, those are not meant to be in any way a total, but that is a sampling.

Mr. JONES. Absolutely not, Mr. Frank.

Mr. FRANK. We are talking about a small number of the potential universe involved?

Mr. JONES. I think if anyone reads our report, and thinks that we are inferring that there are only 12 or 5, then nothing, could be further from the truth.

Mr. FRANK. I appreciate that, because it strengthens my view that more has to be done.

Mr. GLICK. I would like to comment that we were looking for covert programs, not overt programs.

Mr. FRANK. I was simply responding to Mr. Jones' statement.

Mr. GLICK. I understand that.

Mr. MAZZOLI. The gentleman from New York.

Mr. FISH. I am not quite ready yet.

Mr. MAZZOLI. The gentleman from Michigan.

Mr. CROCKETT. I have no questions.

Mr. MAZZOLI. The gentleman from New York.

Mr. SCHUMER. Thank you very much.

My focus on this is declassification of information. What efforts are going on to declassify the information you have in the GAO report? We are never going to be satisfied without overturning every stone, especially with something as egregious as this. Literally thousands of my constituents are extremely upset at the possibility of the U.S. participation in this kind of program. Other than self-protection, there is no national security reason or other reason, to keep so much of this information classified.

I would like to know your comments. Do you think there is too much evidence that is classified now? What steps are being taken to declassify it?

Mr. GLICK. Mr. Schumer, we worked at CIA and FBI, and at those two agencies we saw something in the neighborhood of over 150,000 pages of classified documents. Of course not all of that winds up going into a GAO report and the problem becomes that a majority of the documents deal with issues beyond which the substance of this report deals with.

In other words, what you would get would be documents that people have to go through and they may be 16 page documents, one paragraph is pertinent and you get 15 pages of blacked out information which I think will raise a lot more questions as to what was

it that was erased, what is not shown in the 15 pages? It would take a large effort to go through and identify all the documents.

Mr. SCHUMER. Let me ask a more specific question then. Was classified information relevant to this report and relevant to the inquiry of this subcommittee?

Mr. GLICK. Yes.

Mr. JONES. Let me respond more to that.

Mr. SCHUMER. You would say there would be 15 pages not relevant, which is classified, why not have the information that is relevant, that is classified, become public?

Mr. JONES. I wrote a letter dated October 13 to the Chairman of the Judiciary Committee in response to inquiries he had made. Some of it is to the point you make. On the matter of making classified documents available, we at GAO are separating workpapers into two groups, classified and declassified. The declassified workpapers to date consist of about 5,000 pages, and arrangements can be made for the subcommittee staff to see those.

The classified material we checked was from Defense, Justice, State, FBI, and CIA. We cannot give this material directly to you for obvious reasons. Therefore for each agency except the CIA, we are compiling an inventory of classified documents, or excerpts made therefrom, which we will then forward to the appropriate agencies. At that time we will notify you and give you the name of the agency representative your office should contact for access to these materials. The CIA on the other hand has a complete inventory of all material furnished to GAO.

Mr. SCHUMER. I understand that. My time is limited, otherwise I would not interrupt.

You have had access to some of this classified material, though. Can you see any reason other than to protect somebody who made a mistake 20 or 30 years ago to keep it classified?

Mr. JONES. I think there are instances where probably classification would tend to hide mistakes, I think there are other instances where some additional material being declassified might have serious impact on national security, we don't classify.

Mr. MAZZOLI. The gentleman's time is expired. The gentleman from Florida.

Mr. MCCOLLUM. Thank you, Mr. Chairman.

In your report you have indicated that there are a number of different occasions where we did bring people into the United States, like the CIA Program in the midfifties and so on.

You have also indicated that because of the nature of the filing systems you reviewed, you really had to target, from clues really outside the files themselves, in order to be able to get a grip on this.

Am I to take it from reading from what you have had to submit and hearing you that you did not discover any mechanism in any of these agencies that they themselves had used at the time of their bringing people over here to determine if they had Nazi connections or were Nazis?

In other words, you didn't have any file trail in many cases to look at. Did you discover a mechanism that whereby they checked to determine that, they obviously brought people in for reasons un-

related to the question of whether they were Nazis but did they have any mechanisms in any cases?

Mr. GLICK. Yes, sir; they did.

Generally they had various sources of information they went through before they brought somebody over. To check their backgrounds, sources of information both overseas such as the Berlin Document Center in case of Germans, local police, Counter Intelligence Corps, Criminal Investigative Division, and various U.S. agencies overseas were used.

In many instances a lot of the individuals came from countries that were now behind the iron curtain, and information on their backgrounds were often not available and couldn't be obtained. In some cases allegations had been made against them after they had gotten into the West. That was basically the way they would check backgrounds.

Mr. MCCOLLUM. You are saying they tried to find out. You are confident from your review of this that the agencies involved did make a knowing effort to determine if their backgrounds included Nazi participation?

Mr. GLICK. For intelligence agencies, it is wise to determine as much as you can about an individual's background.

Mr. MCCOLLUM. But you are also saying that while in some cases they obviously knew that and ignored it or turned their head the other way that there were cases where there was no way for them to know. Is that what you are also telling us?

Mr. GLICK. That is right. There were cases where they would not be too certain about some individuals' backgrounds.

Mr. MCCOLLUM. They might have brought those individuals into this country regardless of not knowing that or did they bring them in in some cases that you found without knowing their backgrounds?

Mr. GLICK. In some cases they did not know an individual's background.

Mr. MCCOLLUM. In cases where they still brought them into the country?

Mr. GLICK. Yes.

Mr. MCCOLLUM. Do you think you just scratched the tip of the iceberg with this? Do you think there is a lot there? If you had the time and manpower to go through you could identify more?

Mr. GLICK. There are literally thousands of individuals involved that were associated with the intelligence agencies.

Mr. JONES. Over 550,000 people came in and to speculate, I just don't know, Mr. McCollum. I did say earlier that in terms of additional time and effort I think you would be working at the margin.

In no way, as Mr. Frank was concerned, is the GAO saying there are just 12, 13, 15, or 50.

Mr. MCCOLLUM. You just don't know.

Mr. JONES. We just don't know.

Mr. MCCOLLUM. Without going through every single file?

Mr. JONES. It would take a herculian effort to really track them down. I think OSI is doing a fantastic job. They have investigators, too. It would be an effort, but I think it is worth doing in the ordinary course of conducting background investigations against allegations.

Mr. MCCOLLUM. But not randomly looking just for the purpose of looking?

Mr. JONES. Randomly going through 550,000 files and starting from there and branching out on a tree like that would be a cottage industry I am afraid.

Mr. MCCOLLUM. And GAO would be stretched, is what you are telling us, taken together with the rest of the requirements the Congress puts on you?

Mr. JONES. That is—I am glad you said it.

Mr. MCCOLLUM. I yield back, Mr. Chairman.

Mr. MAZZOLI. The gentleman's time has expired.

The gentleman from Texas is recognized for 5 minutes.

Mr. BRYANT. Thank you.

Mr. Jones, on page 5 of your report, it is stated that GAO selected 11 aliens to review from numbers provided by 2 private sources. If you didn't answer that in the course of the questioning already what private sources provided the names of the aliens?

Mr. TIPTON. Mr. Bryant, that was John Loftus and Mark Truitt.

Mr. BRYANT. Who are they?

Mr. TIPTON. Mr. Loftus is on the agenda this afternoon, he is a former investigator and attorney for the OSI, Mr. Truitt is a researcher at Yale University.

Mr. BRYANT. How were the other 103 aliens selected for review?

Mr. TIPTON. We selected those as we went through files. More individuals became known to us. That is how the other 103 came about.

Mr. BRYANT. Did you attempt to review the 900 case files at OSI to determine whether any of these were assisted in the entering the United States or used by U.S. intelligence agencies prior to or following their admission?

Mr. TIPTON. No, sir; not during this review.

Mr. BRYANT. I don't have any further questions.

Mr. MAZZOLI. The gentleman from New York is recognized for 5 minutes.

Mr. FISH. Thank you, Mr. Chairman.

Mr. Jones, I sat here through 3 days of hearings in 1978 at which time Mr. Eilberg, the gentleman from Pennsylvania, was the chairman and I remember distinctly that we were highly suspicious. I think the hearing record will bear this out. We probed and probed and probed and the information we got from your colleagues here at that time was that you stood by your report and yet we sensed something was wrong at the time. We were not sure what.

What we didn't expect was what we later learned through the media was that they really had been stonewalled. The intelligence community had gone out of its way to handicap the GAO investigation and this was brought to light largely by Mr. Loftus, and the television program "60 Minutes." So we asked again if you would go back and have a look at this.

I think that Mr. Loftus' testimony, which we will get shortly, and his criticsm of the GAO are relevant and you should have an opportunity to respond, which you won't since I raise the question in advance of his testimony.

In his testimony he criticizes your report for failing to note the allegedly active role in the State Department in withholding of

files from Immigration and Naturalization Service. Do you have any comment on that?

Mr. JONES. We do address the issue he is talking about the OPC, Office of Policy Coordination. We certainly, in one of our instances, talk about the involvement of OPC in one case of interceding in the entry of a person.

I have not read Mr. Loftus' statement, so I am not able to do other than respond as I did.

If he said we failed to lay out the large scale involvement of State, I would like to respond to that after I have seen what he said.

Mr. FISH. I gather that the thrust of your report is that you find no overt programs specifically designed to help persons immigrate to the United States despite their Nazi background, but you did discover evidence that intelligence agencies aided Nazis and collaborators on an individual basis from Eastern Europe. How many such cases did you uncover?

Mr. JONES. Well, we found a total of 12, 5 very specific cases where persons were helped in, and an additional 7 which so far as we could determine were not assisted in but they certainly had questionable backgrounds.

Mr. FISH. And do you have any guess you would like to venture of how many more there are in this category of people who were either recruited or assisted to come into the United States with that background?

Mr. JONES. Mr. Fish, I have no basis whatever for attempting to hazard a guess in that direction.

Mr. FISH. Surely you have heard estimates by other people that number up in the hundreds and even thousands?

Mr. JONES. Yes.

Mr. FISH. Did your report make an attempt to ascertain the veracity of any of those claims?

Mr. JONES. We could not, Mr. Fish, and we didn't have a basis. We didn't have the editorial license that some people have in making guesstimates like people making guesstimates as to the number of illegal aliens in the United States.

We didn't have a basis for making a guesstimate that would stand on the record as a GAO number.

Mr. FISH. When somebody makes a statement of how many people who were Nazi officials or collaborators who were encouraged to and assisted to come into the United States in those post-World War II years did you make any effort either by interviewing the person making the claim or any other means to test the veracity of the claim?

Mr. JONES. I think we have talked with Mr. Loftus during the course of our review.

Mr. TIPTON. Yes.

Mr. FISH. Isn't that pretty fundamental to a report?

Mr. TIPTON. Mr. Ryan, in his book, I think he makes a guestimate of 10,000.

Mr. FISH. Yes.

Mr. GLICK. Those would not be people who were assisted, Mr. Fish. Those are individuals out of the total population.

Mr. MAZZOLI. The gentleman's time is expired.

Mr. FISH. Could I have the answer?

Mr. GLICK. That was the total population of people who came under the Displaced People and Refugee Act, not people assisted by agencies.

Mr. FISH. I don't understand, hundreds of thousand came in under that.

Mr. GLICK. I understand your question to be as to an estimate of how many were assisted.

Mr. FISH. Yes.

Mr. GLICK. I am saying the estimate of Mr. Ryan does not involve people who were assisted, just people who may have come in under those two acts by lying when they came in.

Mr. FISH. Lying about previous connections?

Mr. GLICK. Yes.

Mr. FISH. Thank you.

Mr. MAZZOLI. It might help before I yield to my friends from California to read once again from your report exactly what you were charged to do and I think that is the reason why I think maybe some of the questions are a little diffuse and a little hard to answer, because as I look at it, and this is our committee's question, hence request, first whether there were any U.S. Government programs to help Nazi war criminals and Axis collaborators immigrate to the United States and conceal their backgrounds.

And two, which is the subsidiary question of Klaus Barbie who is not involved. So what you were really looking at and the gentleman from Massachusetts asked a relevant question, were you looking for overt or covert programs?

Mr. Glick says they were looking for covert because overt is too ordinary a problem. You found neither, if I understand at this point in the testimony, you found neither covert nor obviously overt programs to do it. The exception is Operation Paperclip which is pretty much a matter of record and that had to do with scientists. Is that where we are today?

Again, I am not that familiar with your work, you stick to your guideline, is that correct?

Mr. JONES. Yes, Mr. Chairman, we do.

Mr. MAZZOLI. Which is to try to find programs, not individuals, not make speculation on numbers, but to find out whether this Government was an accomplice in some scheme to bring into the country, with expunged backgrounds, people who were criminals or Axis collaborators.

Mr. JONES. That is what we thought was the primary concern of the question.

Mr. MAZZOLI. This states the question.

Mr. FISH. Would the gentleman yield to me on that? You were picking up on my testimony and my questions, I am sure.

Mr. MAZZOLI. Just for a quick question.

Mr. FISH. The gentleman has raised a valid issue. I would hope in the course of the many, many years the GAO has taken they have not hidden behind the word programs. If indeed you found hundreds and hundreds of individual examples you couldn't come to us and say, this doesn't constitute a program because nowhere did you find an official document that said, let us have a program.

Mr. MAZZOLI. The gentleman from California.

Mr. BERMAN. No questions.

Mr. MAZZOLI. The gentleman from Wisconsin is recognized.

Mr. SENSENBRENNER. Thank you very much, Mr. Chairman.

It appears from your report that there was U.S. intelligence infiltration into organizations of former Nazis in Germany following the conclusion of the war and the purpose for that infiltration was to find out if other Nazis could be identified so that they could be prosecuted as war criminals.

So I really don't think that anybody can fault that kind of penetration simply to try to get to the root of the Nazi plague and to make sure it was killed. I certainly don't do that.

One of the things Mr. Loftus claims is that the State Department was in the process, following the war, of working out a deal with the former Nazi president of the puppet government of occupied Byelorussia as a way of turning over his contacts within the Soviet Union to United States intelligence.

That kind of thing makes good "60 Minutes" material. Have you found any indication that a part of this deal would be to bring the puppet president of occupied Byelorussia into the United States?

Mr. TIPTON. No, sir; we did not.

Mr. SENSENBRENNER. OK. Thank you, Mr. Chairman.

Mr. MAZZOLI. The time of the gentleman has expired. Gentlemen, let me thank you very much for your attendance today. There is a wealth of material here which we have not gone into. I think that you on the basis of the request by the gentleman from Massachusetts, Mr. Jones, will address Miss Holtzman's inquiry and perhaps you can do so in writing and send it to us when you are ready.

Mr. JONES. We will do that as quickly as possible.

Mr. MAZZOLI. I rather you not do it as quickly, but as thoroughly because you have seen the tenor of the questions.

Mr. FISH. Does that include Mr. Loftus' testimony, which Mr. Jones said he had not seen?

Mr. MAZZOLI. If the gentleman makes the request.

Mr. FISH. I would make the same request to respond in writing to Mr. Loftus' testimony?

Mr. MAZZOLI. The gentleman from New York would like to have your response in writing to Mr. Loftus' complaints and criticisms of the report.

Thank you, gentleman.

Mr. JONES. Thank you, Mr. Chairman.

Mr. MAZZOLI. I would like to call forward now Mr. Neal Sher of the Office of Special Investigations.

If you would identify for the purpose of the clerk here, your colleague.

TESTIMONY OF NEAL SHER, DIRECTOR, OFFICE OF SPECIAL INVESTIGATIONS, CRIMINAL DIVISION, AND MICHAEL WOLF, DEPUTY DIRECTOR OF THE SPECIAL OFFICE OF INVESTIGATIONS

Mr. SHER. This is Michael Wolf, Deputy Director of the Special Office of Investigations.

Mr. MAZZOLI. Mr. Sher, you have a statement which of course the full content will be made a matter of record. You may read what you have or excerpt from it, however you wish.

Mr. SHER. Thank you, Mr. Chairman.

I appreciate it. I am pleased to appear today to testify on behalf of the Office of Special Investigations Criminal Division U.S. Department of Justice with respect to the recent report of the Comptroller General addressing the question of whether there were any U.S. Government programs to aid Nazi criminals and collaborators to immigrate to this country.

First, and this is something I want to stress, I would like to express our appreciation to the committee which has for so many years supported the efforts to investigate and prosecute Nazi criminals who immigrated to the United States.

Mr. MAZZOLI. Thank you very much. We seldom get an expression of gratitude. We appreciate that.

Mr. SHER. At the outset, based upon our experience in investigating and prosecuting alleged Nazi criminals, we do not take issue with the general conclusion of the GAO that Nazis and Nazi collaborators were utilized by the United States for intelligence purposes after World War II and that some were aided by U.S. authorities in immigrating to this country.

While OSI has reviewed the GAO report and the questions raised by it, it is important to understand the background and mission of our office to appreciate our role in addressing the subject of these hearings.

As you know, after extensive hearings before this committee, the Office of Special Investigations was created in 1979. Congress mandated that it be an integral part of the Criminal Division of the Justice Department and that its mission be that of identifying, investigating, and taking appropriate legal action against individuals who, in conjunction with the Nazi regime, advocated or assisted in the persecution of individuals on account of race, religion, national origin, or political opinion.

Indeed, this mandate followed on the heels of an amendment to the immigration law in 1978 which specifically designated such individuals as being subject to deportation and also barring their entry into the United States.

I believe OSI has been very vigorous in carrying out that mandate, and it is fair to say that we are now the most active office of its kind in the world. The office has filed more than 50 cases since its creation and we have stripped 18 alleged Nazi persecutors of citizenship, secured orders of deportation against 10 and have succeeded in removing 8 persecutors from the country.

Presently there are approximately 30 cases pending in the courts; over 300 people are still under investigation, and we will be filing more cases soon which will be part of the public record I assume and in the press.

In addition we have closed nearly 600 cases because the subject was dead or proof was found lacking.

In addressing the issues reported on by the GAO, it is important to bear in mind that OSI is essentially case oriented; we are prosecutors, whose objective is to investigate thoroughly allegations

that an individual had been engaged in persecution which might warrant either denaturalization or deportation.

OSI's mission is not to undertake general historical research regarding broad issues such as the ones upon which the GAO report focuses on. On the contrary, our efforts are directed at the investigation of individuals and their wartime activities.

We are not, for example, generally concerned with determining broad patterns of immigration or ascertaining whether or not any segment of the intelligence community after World War II engaged in programs to assist Nazi war criminals immigrate to this country.

However, should we determine that a particular individual was indeed engaged in persecution during the Second World War, we fully explore the manner in which that individual entered the United States.

Please understand, that is not to say that the questions now under consideration are not important. On the contrary, they are serious and deserving of full and complete answers. The point I make is simply that the historical review which was the function of the GAO Report and the efforts of OSI are for the most part separate and distinct. We believe that OSI's efforts must continue to be directed towards uncovering and taking action against Nazi criminals who have illegally lived in this country far too long.

Mr. SHER. I do note, however, that in exceptional cases OSI has been called upon to answer questions of historical significance similar to those addressed by the GAO. For instance several years ago we undertook a thorough investigation regarding this country's relationship with Klaus Barbie, in which the Department of Justice concluded that the Nazi criminal had in fact been utilized by U.S. Army intelligence officials after the Second World War and that his extradition to France had been deliberately blocked by U.S. officials.

In addition, we are presently investigating the circumstances surrounding this government's relationship with Robert Verbelen, an alleged Belgian war criminal who allegedly worked for U.S. intelligence after World War II.

It should be noted that neither Verbelen nor Barbie were brought into the United States by the intelligence organs for which they purportedly had worked. We expect that report to be coming out in the next several months. Verbelen and Barbie were not brought to the United States by the intelligence organizations for which they purported had worked.

In addition, as you undoubtedly know, the Office of Special Investigations is presently conducting an investigation into questions regarding the possible relationship between the infamous criminal Josef Mengele and U.S. authorities after World War II. That report has not been completed.

Our office is fully aware of the individuals referred to, although not named, in the GAO report. You can be assured that we are investigating any allegations or information that any person now alive in the United States might have been involved in acts of persecution during World War II, regardless of possible postwar involvement with intelligence agencies. Because such matters are under investigation, it is not possible to provide any further details.

The committee should be aware that OSI routinely checks with many Government agencies during the course of any given investigation. In addition to seeking evidence of wartime activities from the Berlin Document Center and other archival sources, OSI will routinely check with the FBI, the Army and the CIA in order to ascertain whether or not any files exist on the subject under investigation. These are standard checks which are initiated in each and every instance.

The CIA as well as the other agencies, have in fact made files available for our review and examination. It is also significant to point out that in not one instance has the CIA or any other agency, governmental body or official attempted to influence an OSI investigation or attempt to prevent prosecution. I would add that any such agreement would fail. Nor has OSI ever declined to file a case because of an individual's connection with the U.S. Government.

We are, of course, very well aware of Operation Paperclip, pursuant to which the U.S. Government brought into this country Nazi scientists, including a cadre of individuals who worked on the notorious V-2 rocket which nearly destroyed London.

Indeed, in a case which has received much notoriety, the Office of Special Investigations investigated allegations that Arthur Rudolph, the former operations director at the Mittlewerk V-2 assembly plant during World War II, had engaged in war crimes and the persecution of innocent civilians during his tenure at Mittlewerk. We uncovered evidence regarding Rudolph's role in recruitment and exploitation of the civilian slave labor during the war, which constituted crimes against humanity and war crimes under the Nuremberg law and the Geneva Convention, and confronted Rudolph with such allegations.

Rudolph elected to enter into a formal binding agreement with the United States pursuant to which he agreed permanently to leave this country and to renounce his citizenship in exchange for the United States not commencing denaturalization and deportation proceedings against him.

This case demonstrates that OSI will pursue individuals who were engaged in acts of persecution and war crimes and who illegally came to this country notwithstanding the fact that they had established a relationship with the U.S. authorities. Again, it would be inappropriate further to discuss any other case which OSI might have under investigation.

We also note that the committee is interested in knowing whether the CIA 100 numbers provision has been used to admit alleged Nazi criminals into the United States.

Because of the committee's concern, we have compared the list of OSI subjects with the relevant records regarding the 100 persons law. We have found that two people on our subject list had in fact been brought into the United States under that law. The GAO Report discusses one such case. It would not be appropriate to discuss those cases any further.

That concludes my prepared text, and I would be glad to answer questions from the committee. Thank you.

Mr. MAZZOLI. The sensitivity and care, that you go about when talking about the people who are being investigated because this is extremely delicate material. It is destructive to the person, the

whole background, and it is to your great credit and your office's, and your predecessor's, that you looked with great care about the use of the material.

Second, it is to your credit that on page 5 of your statement, you suggest at no point has the CIA or any other intelligence agency refused to give you material or cooperate. My experience, having served on the intelligence committee, is that that is a two-way street, they have to trust you in order that you be able to trust them. It indicates to me that you have a very healthy relationship with these agencies who would be the repository of information, and maybe the agencies which have manipulated the system in times past. This is much to your credit at this time.

You suggest that yours is not a historical reference agency. Yours is case oriented and I agree. Of the 900 cases that you have alive in your shop, could you give me the number that might arise of those in which you might have found, or perhaps strongly suspect that they may have had assistance in gaining entry into the United States?

Mr. SHER. I can try to give some sort of an estimate but there is one big caveat. We have closed more than 600 cases. If we receive an allegation, and if he is dead, the case is closed forever. We do not investigate how that person came into the United States; it might very well be that a person against whom we received allegations was in fact guilty of crimes and perhaps had been assisted to come into the United States.

For obvious reasons we do not explore a case of a deadman. The same would apply for somebody against whom there had been allegations but, after checking we could not proceed in court due to insufficient evidence; perhaps documents were not strong enough. We close those cases routinely.

It is possible that somebody might have been affiliated with the Nazis but whose activities did not rise to our standard of prosecution, and that that person had been assisted to come to the United States. We do not go the next step to see how they came in. If they are not Nazi persecutors, in our view, we do not investigate how they came into the United States. With that qualification, I can say that there are people who were involved in Paperclip, which was clearly a program designed to bring in people affiliated with the Nazis.

There are 8 or 9 individuals, approximately, of the 900 under investigation, who came in via Paperclip. There is also the "100 persons" allegation. I have no doubt there are others of the 900. I do not think I could put a figure on it.

Mr. MAZZOLI. It is probably a fairly minimal number. If you look at two or three or four, or double or triple that, 35 or 50 cases out of 900, well, would you say from your experience, and you have a lot of it in the field, would you agree with the conclusion of the GAO which is that there was not a governmental effort, covert or overt, to clear the record and to bring these people into the country.

Mr. SHER. The problem that I have, and I am not trying to avoid any question, I do not think you will uncover the existence of any program, covert, overt, what have you, by reviewing the 900 files, because an individual who might have been brought in is not going

to have stamped in his file, "came in under Nazi assistance program." It is not going to be there.

Mr. MAZZOLI. I guess the question I am driving at, would there not have been illicited, maybe in the course of the investigation of these 900 cases, do you think it would have come to your attention had there been this kind of a scheme, national program, or could it have not come to your attention?

Mr. SHER. If there was such a scheme and the people administering it were very good, it probably wouldn't come to our attention. It is very difficult to answer.

Mr. MAZZOLI. You have done your best. My time has expired. That solves that problem.

The gentleman from New York is recognized for 5 minutes.

Mr. FISH. Thank you, Mr. Chairman.

I welcome you, sir. When was the Office of Special Investigations formed?

Mr. SHER. 1979, Mr. Fish.

Mr. FISH. So in your statement, the Chairman alluded to, it is significant to point out that in not one instance has the CIA or any other agency, governmental, body or official attempted to influence an OSI investigator attempt to prevent prosecution. That is based on the experience of, or since 1979 of the Office of Special Investigations.

Mr. SHER. That is all I am speaking of, yes, sir.

Mr. FISH. It has no bearing on whether or not there was an effort in the years before that, during the first GAO audit, to stonewall the investigation?

Mr. SHER. I cannot speak to that.

Mr. FISH. At that time it was also, as I recall, the testimony we received in the 1970's stated that immigration files and State Department files were terribly skimpy. Was this a matter that OSI has looked into at all in refernce to any cases?

Mr. SHER. There is no question that some files are more complete than others. I think much of it could have been due to the fact that when people were immigrating, right after the war under the D.P. Act, Europe was in chaos and they were trying to bring in refugees as quickly as possible. Some files are just not as complete as others.

We endeavor to get documents on anybody we are investigating but, no, we have not investigated whether or not files or missing documents or anything of the sort, not per se.

Mr. FISH. There have been many claims of individuals, prior Nazi involvement, who were assisted, encouraged to come to the United States, what is your response when such allegations are made?

Mr. SHER. In terms of it affecting our prosecutions or generally?

Mr. FISH. Any phase of your activities.

Mr. SHER. It is clear that the laws that were in existence at the time and now state that anybody who was engaged in persecution, war crimes, crimes against humanity, simply were not welcome to come into the United States, even under Project Paperclip.

There was a directive that Truman issued which stated that ardent Nazis, Nazi criminals, people who committed crimes were not eligible. One Nazi scientist was removed from the U.S. payroll, another returned to Germany to stand trial and we went against

Arthur Rudolph. Anybody engaged in persecution, war crimes is somebody we are going to go after. Immigration laws were not to have been broken because somebody was working for the United States.

Mr. FISH. You would take note of such claims when names are names, and do investigations?

Mr. SHER. Oh, yes.

Mr. FISH. Several places in your testimony you refer to the effect on your investigation of U.S. authorities, action, page 1, you say, "despite some were aided by U.S. authorities," and later on on page 3 you say, "should we determine that a particular individual was indeed engaged in persecution during the Second World War, we fully explore the manner in which the individual entered the United States," page 4, "regardless of possible postwar involvement with intelligence agencies," and you repeat this again, so you are trying to make the point that, as far as your Office of Special Investigations is concerned, whatever relationship or assistance, involvement, the intelligence community had, the fact that the alleged Nazi war criminal was in the United States, has no bearing whatsoever on the investigation and the prosecution by your office, is that correct?

Mr. SHER. We are proceeding against and investigating individuals regardless of how they came in.

Mr. FISH. Has the OSI during the course of its operations since 1979 been able to identify any specific or organized program which resulted in U.S. Government agencies providing immigration assistance to Nazis and their collaborators?

Mr. SHER. We have some in contact with Project Paperclip, which is the most obvious one.

Mr. FISH. The only such program you have encountered?

Mr. SHER. That is the one we have in fact dealt with, a project which dealt specifically with bringing in Nazis. If there were other programs, they have not been part of our cases.

Mr. FISH. Would you consider a volume of individual efforts to recruit or help people to come in to the United States during this period to constitute a program in the absence of any such documentation, approving a specific program?

Mr. SHER. It is like trying to prove a conspiracy, I would want to see all the facts, talk to everybody involved, and see if there is a common ground there.

Mr. MAZZOLI. The time has expired.

The gentleman from Massachusetts.

Mr. FRANK. Thank you for the way you answered questions, gentlemen. I mean this, the care with which you have answered the difficult questions, thank you, and I would like to underline two points, because you are not wholly relevant to this, it was important to have you here.

I have two general lines of inquiry that is incumbent upon us. First of all, it was to go after individuals who don't deserve the company of other free people and unfortunately, given our legal system, the most we can do with these people is to at least get them out of here. I wish it were possible for us to punish them more.

It is important that you do that and without excessive interference from us, and we are proud of our legal system.

That is your primary function, and therefore, the policy questions, which are the other questions, are only incidentally going to become relevant to you.

One of the things that is very important, when you were asked if someone is alleged to have been a Nazi persecutor, and you are asked to bring charges, the fact that such an individual may have been brought here with the complicity of individuals or agencies of the U.S. Government for some purpose that is helpful is irrelevant, and not a defense.

We have made a national policy judgment. The crime of the Nazis were so outrageous and so intolerable, nothing justifies it. It is not American policy to say, yes, terrible as they are, they can be helpful to us. You judge the acts, and if people have been guilty of these acts, no service to the U.S. Government washes that out, is that correct?

Mr. SHER. Yes; and the Rudolph case speaks volumes to that very point.

Mr. FRANK. That indicates where the second line of inquiry is, although you have helped to shed light on it, it is not relevant directly to you.

When the GAO tells us that they did not disclose any program instituted spcifically for assisting Nazis and their collaborators, I am neither enlightened or surprised, that is not what we asked them to look for.

That leaves us with this other line of questions. Given the national policy, and you mentioned President Truman's position here, which was an exemplary one, the national policy was, these people who engage in these Nazi accounts are not fit to come to this country and ought to be subject to prosecution for their acts where they existed and it is indisputable, some members of the intelligence community, military, state, FBI, violated national policy and said, if they can help us elsewhere, bring them in, and the GAO tried to duplicate what you do, and you can do better than they, and that left us with nobody doing what we need to have done, dealing with this policy thing.

The extent to which intelligence agencies in a democracy are bound by national policy, it remains one today and the history here is fairly clear and I am glad that Mr. Schumer raised this question of classification. There is no question what is classified.

They got classified what dead people did to help other dead people. They probably got classified things about Philby and Berg, things that have been in the movies. Classification, in this case the events that happened in 1945, 1946, 1948, and 1952, it is for the purpose of bureaucratic rear covering. It has nothing to do with national security. Nobody can allege that covering up the circumstances by which some intelligence agency smuggled Nazis in here in 1947 has anything to do except with somebody's reputation, so I appreciate the care with which you answered it.

I think OSI is doing a very good job of finding the invididuals. That leaves us with how do we deal with this policy question, in a tough world, where there are hostile enemies, how do we remain

true to itself and still defend itself? We have a lot more to go, and I thank you, Mr. Chairman.

Mr. MAZZOLI. Mr. McCollum.

Mr. MCCOLLUM. Somebody who committed genocide was a war criminal. How else do you define a war criminal?

Mr. SHER. The general standard is the one that we refer to is the one found in the 1978 amendments to the immigration law, known as the Holtzman amendment to the immigration law. Anybody who, in conjunction with the Nazi regime, advocated or assisted in the persecution of any individual on account of race, religion or national origin or political opinion. It is the advocacy or assistance in persecution which we use at OSI as the litmus test for determining whether somebody is worthy of prosecution.

Mr. MCCOLLUM. Would anybody who is a member of the Nazi Party—they advocated discrimination on the basis of race—qualify or is there a persecution element beyond which you had to take some more affirmative step?

Mr. SHER. Mere membership in the Nazi Party has not been a sufficient basis to prosecute anybody. There are many former members of the Nazi Party in the United States, no question about it. There are other affiliations which can constitute persecution.

For instance, as the U.S. Supreme Court has said, if you were a guard in a concentration camp, that constitutes persecution. There are other categories of affiliations, units known as the "Schutzmannschaften." Any member of that group was not allowed to come into the United States.

Mr. MCCOLLUM. Documenting things become more difficult because of age and so forth. Do you feel that since no one has been in existence that long and you have been operating that long, you have been able to get a feel for it? There are quite a few more years left of such trail to do your work?

Mr. SHER. Our investigative caseload has increased in the last couple of years. We have a staff of historians who are able to comb archives all over the world to find lists of people who are Nazi criminals and we check those with the Immigration Service.

We opened more investigative files in 1985 thus far than we did in all of 1984. And that trend is increasing as we have become much more sophisticated in our research. We are uncovering documents that have been previously untapped, buried away in various places.

Mr. MCCOLLUM. You were able to identify Rudolph and the result you got in that case, you seem proud of that case, I assume you have quite a well-documented case, though he didn't go to trial.

Many people raised the issue, he was an old man, and ran away because of his age and couldn't stand up to the defense. Everyone of us here has gotten a letter from somebody on that subject.

Mr. SHER. Arthur Rudolph entered into an agreement, saw a good deal of the evidence and conceded that he could not contest our allegations in a courtroom and left the country.

As is the case for virtually every defendant that we prosecute and are successful against, they come up with disingenuous and unseemly attempts to resurrect their reputation, by claiming they

were pushed out of the United States, and I have been accused of using Gestapo tactics.

Mr. MCCOLLUM. Do you believe Rudolph himself is generating this or do his friends do it or whatever?

Mr. SHER. His friends are probably at the heart of it. He probably is involved, but the strongest evidence against Arthur Rudolph came from his own mouth when he stated he was recruiting slave laborers knowing they were going to work in terrible conditions, and knowing they were dying and that is the very crime Albert Speer spent 20 years in prison for. It is an outright war crime and he admitted as much. It is a clear, clean cut and very strong case.

Mr. MCCOLLUM. Mr. Chairman, I have no other questions.

Mr. MAZZOLI. The gentleman from California.

Mr. BERMAN. Thank you, Mr. Chairman.

Let me join with the chairman and the gentleman from Massachusetts, in indicating that your office has an excellent reputation among the people that I talk to about what you do and the way you have pursued your mission and my congratulations for that.

What is the CIA 100 numbers provision, or the 100 persons law?

Mr. SHER. I don't purport to be an expert in it but it is a provision whereby the Commissioner of INS, the Attorney General, and the Director of the CIA can, for national security purposes, can bring into the United States regardless of any other immigration law up to 100 persons a year, if they can state that their presence here is important to national security purposes.

Mr. BERMAN. It is a joint decision of the Director of CIA, the Commissioner of Immigration, and who else?

Mr. SHER. The Attorney General.

Mr. BERMAN. The CIA Director cannot do it on his own?

Mr. SHER. I believe it is a joint venture. They all get involved.

Mr. BERMAN. This is in the immigration law somewhere?

Mr. SHER. Yes, sir. Well, I am not sure if it is in the immigration law, it is in part of it, I think it is title 8.

Mr. BERMAN. Is it something that someone could see?

Mr. SHER. It is in the books, yes, sir.

Mr. BERMAN. It occurred to me that perhaps—I take it this has been on the books since the end of World War II?

Mr. SHER. Since the late 1940's, I believe.

Mr. BERMAN. Apparently according to your testimony, there are at least a couple of people who were admitted under that provision of law which may come under the category of Nazi war criminals who were brought into this country?

Mr. SHER. We took our list of 900 against whom there are allegations, some substantiated, and some not at this point and compared them with the files, and 2 people, there was a match on 2 people, people brought in I should say well over 30 years ago, and these were not recent people.

Mr. BERMAN. I have no further questions.

Mr. MAZZOLI. The gentleman's time has expired.

Mr. Sher, thank you very much. We appreciate your attendance, and as I said to the earlier panel, there is a wealth of questions we have not gotten into. Thank you very much.

[The prepared statement of Mr. Sher follows:]

PREPARED STATEMENT OF NEAL SHER

Mr. Chairman: I am pleased to appear today to testify on behalf of the Office of Special Investigations, Criminal Division, United States Department of Justice, with respect to the recent report of the Comptroller General addressing the question of whether there were any U.S. government programs to aid Nazi criminals and collaborators to immigrate to this country.

First, I would like to express our appreciation to the Committee which has for so many years supported the efforts to investigate and prosecute Nazi criminals.

At the outset, based upon our experience in investigating and prosecuting alleged Nazi criminals, we do not take issue with the general conclusion of the GAO that Nazis and Nazi collaborators were utilized by the United States for intelligence purposes after WW II and that some were aided by U.S. authorities in immigrating to this country.

While OSI has reviewed the GAO report and the questions raised by it, it is important to understand the background and mission of our office to appreciate our role in addressing the subject of these hearings. As you know, after extensive hearings before this Committee, the Office of Special Investigations was created in 1979. Congress mandated that it be an integral part of the Criminal Division of the Justice Department and that its mission be that of identifying, investigating and taking appropriate legal action against any individuals who, in conjunction with the Nazi regime, advocated or assisted in the persecution of individuals on account of race, religion, national origin or political opinion. Indeed, this mandate followed on the heels of an amendment to the immigration law in 1978 which specifically designated such individuals as being subject to deportation and also barring their entry into the United States.

OSI has been vigorous in carrying out that mandate, and it is fair to say that we are now the most active office of its kind in the world. The office has filed more than 50 cases since its creation and we have stripped 18 alleged Nazi persecutors of citizenship, secured orders of deportation against 10 and have succeeded in removing 8 persecutors from the country. Presently, approximately 30 cases are pending in the courts; over 300 people are under investigation, and we will be filing more cases soon. In addition, OSI has closed nearly 600 cases because the subject was dead or proof was found lacking.

In addressing the issues reported on by the GAO, it is important to bear in mind that OSI is essentially case oriented; we are prosecutors, whose objective is to investigate thoroughly allegations that an individual has been engaged in persecution which might warrant either denaturalization or deportation proceedings. OSI's mission is not to undertake general historical research regarding broad issues such as the ones upon which the GAO report focuses. On the contrary, our efforts are directed at the investigation of individuals and their wartime activities. We are not, for example, generally concerned with determining broad patterns of immigration or ascertaining whether or not any segment of the intelligence community after World War II engaged in programs to assist Nazi war criminals immigrate to this country. However, should we determine that a particular individual was indeed engaged in persecution during the Second World War, we fully explore the manner in which that individual entered the United States.

That is not to say that the questions now under consideration are not important. On the contrary, they are serious and deserving of full and complete answers. The point I make is simply that the historical review which was the function of the GAO report and the efforts of OSI are for the most part separate and distinct. We believe that OSI's efforts must continue to be directed towards uncovering and taking action against Nazi criminals who have illegally lived in this country far too long.

I do note, however, that in exceptional cases OSI has been called upon to answer questions of historical significance similar to those addressed by the GAO. For instance several years ago we undertook a thorough investigation regarding this country's relationship with Klaus Barbie, in which the Department of Justice concluded that the Nazi criminal had in fact been utilized by U.S. Army intelligence officials after the Second World War and that his extradition to France had been deliberately blocked by United States officials.

In addition we are presently investigating the circumstances surrounding this government's relationship with Robert Verbelen, an alleged Belgian war criminal who allegedly worked for United States intelligence after World War II.

It should be noted that neither Verbelen nor Barbie were brought into the United States by the intelligence organs for which they purportedly had worked.

In addition, as you undoubtedly know, the Office of Special Investigations is presently conducting an investigation into questions regarding the possible relationship

between the infamous criminal Josef Mengele and United States authorities after World War II. That report has not been completed.

Our office is fully aware of the individuals referred to, although not named, in the GAO report. You can be assured that we are investigating any allegations or information that any person now alive in the United States might have been involved in acts of persecution during World War II—regardless of possible post-war involvement with intelligence agencies. Because such matters are under investigation, it is not possible to provide any further details.

The Committee should be aware that OSI routinely checks with many government agencies during the course of any given investigation. In addition to seeking evidence of wartime activities from the Berlin Document Center and other archival sources, OSI will routinely check with the FBI, the Army and the CIA in order to ascertain whether or not any files exist on the subject under investigation. These are standard checks which are initiated in each and every instance. The CIA as well as the other agencies, have in fact made files available for our review and examination. It is also significant to point out that in not one instance has the CIA or any other agency, governmental body or official attempted to influence an OSI investigation or attempt to prevent prosecution. Nor has OSI ever declined to file a case because of an individual's connection with the United States government.

We are, of course, very well aware of Operation Paperclip, pursuant to which the United States Government brought into this country Nazi scientists, including a cadre of individuals who worked on the notorious V-2 rocket which nearly destroyed London. Indeed, in a case which has received much notoriety, the Office of Special Investigations investigated allegations that Arthur Rudolph, the former operations director at the Mittlewerk V-2 assembly plant during World War II, had engaged in war crimes and the persecution of innocent civilians during his tenure at Mittlewerk. We uncovered evidence regarding Rudolph's role in recruitment and exploitation of the civilian slave labor during the war—which constituted crimes against humanity and war crimes under the Nuremberg law and the Geneva Convention—and confronted Rudolph with such allegations. Rudolph elected to enter into a formal binding agreement with the United States pursuant to which he agreed permanently to leave this country and to renounce his citizenship in exchange for the United States not commencing denaturalization and deportation proceedings against him. This case demonstrates that OSI will pursue individuals who were engaged in acts of persecution and war crimes and who illegally came to this country notwithstanding the fact that they had established a relationship with the United States authorities. Again, it would be inappropriate further to discuss any other case which OSI might have under investigation.

We also note that the Committee is interested in knowing whether the CIA 100 numbers provision has been used to admit alleged Nazi criminals into the United States. Because of the Committee's concern, we have compared the list of OSI subjects with the relevant records regarding the 100 persons law. We have found that two such individuals had in fact been brought into the United States under that law. The GAO Report discusses one such case. It would not be appropriate to discuss those cases any further.

That concludes my prepared text, and I would be glad to answer questions from the Committee. Thank you.

Mr. MAZZOLI. I invite Mr. John Loftus, formerly with the Office of Special Investigations, to come forward.

Mr. Loftus, your statement will be made a part of the record.

TESTIMONY OF JOHN J. LOFTUS, ATTORNEY AT LAW

Mr. LOFTUS. In 1978 this subcommittee held hearings on alleged Nazis who came into America. One of the people named was Emmanual Jasiuk. You were told by the GAO: "We could find no records for Jasiuk."

The following year, I found the files with a note on top saying, "Do not disclose to GAO." This is what the Jasiuk file said. U.S. Army intelligence knew that the State Department in Germany was smuggling Nazis to America. The Army knew it because they had burglarized the State Department consulate in Stuttgart, Germany and discovered correspondence from an individual, Jasiuk,

who was identified as the Nazi Minister of Immigration of the Wartime Puppet Government of Byelorussia.

He, Jasiuk, was sending letters from America back to our State Department in Germany suggesting other individuals who should be recruited, among them was the Nazi police chief of occupied Byelorussia, Dimitri Kasmovich.

The State Department promptly had Kasmovich released after his arrest by the Army. However, the State Department did promise the Army that Mr. Kasmovich would never be allowed into America.

Mr. Jasiuk and Mr. Kasmovich both came to America and attended a convention here in 1952, along with 100 other senior leaders of the Byelorussian Nazi Government.

Perhaps no one in the U.S. Government knew who they were? The State Department funded the convention. What did the State Department know about the Nazis and when did they know it? There is a very simple answer to this. In 1948, our intelligence files—document A—indexed the Byelorussian Nazis by the refugee camps they were running, by their former rank in the SS, by the political office they held during the Nazi occupation period, and even by the precise atrocity for which they were wanted for war crimes.

The suggestion that we didn't know with whom we were dealing in Germany when we hired these Eastern European fascists groups is false. This—document A—is what we knew prior to the emigration. Almost everyone in this document attended conventions in the U.S. 4 years later. Document C—was it all coincidental, or was there a deal?

Last summer, the CIA was kind enough to declassify this document for me. Document B—it is a letter from the Nazi president of Byelorussia to the U.S. State Department boasting of his background for SS intelligence and concluding with the offer that he would like to turn his entire underground organization over to the U.S. for anti-Communist intelligence purposes, but only if we stop persecuting the members of his group for war crimes and for their Nazi collaboration.

We have a prima facie case—documents A, B, C—that our State Department knew with whom they were dealing—document A—and with that knowledge, entered into a written program whereby they agreed to protect the Nazis—document B—and finally brought them to the U.S. and subsidized them here—document C.

They were subsidized by the State Department in the United States, but the FBI assisted them in obtaining citizenship. SS General Franz Kushnel was an informant for the FBI. They knew he was the head of an SS division that fought against the allies and participated in the massacre of Jews, but the FBI permitted him to apply for U.S. citizenship on the basis that he had been a forced laborer on a farm in Poland. The FBI knew that his citizenship application was false. They have demonstrated a consistent pattern of supplying false information to the Immigration Service.

Was there some sort of U.S. program to recruit Nazis and smuggle them? The GAO could not guarantee immunity for those intelligence agents who smuggled Nazi war criminals. One of my sources was dying of cancer this summer, and he gave me an affidavit to

present to you. Document D—he describes in his affidavit how his organization, the Gehlen Organization, recruited Nazis, including Nazi war criminals, and described the smuggling system in which he personally participated. It is not that the GAO has attempted to mislead this subcommittee. Rather they spent 3 years looking for the wrong kinds of files in the wrong agencies.

This is not the only instance where this committee has been provided with false information. In 1948, for example, a member of this subcommittee cited the case of Stanislav Stankievich, the butcher of Borigov, as an example of someone who should never be brought to America.

Both the Army and the CIA blocked Mr. Stankievich from emigrating to America, because he was also a Communist agent. The State Department ignored those warnings and brought him to New York City. The State Department gave him a job as a broadcaster with Radio Liberty and he became a citizen of the United States. There is overwhelming evidence, if you look in the precise files, that the U.S. Government knew that these Nazis were emigrating to America and did—nothing. One of our informants reported a vote by the Byelorussian Nazis in Germany in late 1948 to relocate their entire organization to America, and we did—nothing.

The abuse of our immigration laws did not stop with the Nazis. It has become painfully obvious that there are other groups, modern war criminals, who are presently arriving in America. The same system of laundering funds and evading congressional oversight that existed then still—exists.

This committee has several alternatives to take further action. The final option is to do nothing. The consequences are simple. The files that I saw will remain buried in our classified archives for another 40 years. Forty years from now they will be declassified when the 75-year time ban on agents' files expires. Our children will come to us with these Nazi documents in their hands and ask us why we did nothing, while the Nazis were still alive?

I fear that we shall give them Dante's answer: the seventh circle of hell is reserved for those who had the ability to prevent evil, but did nothing.

There is still time for this committee to act to erase this stain upon our page of history. At the very least this committee must go on the record annd condemn the Nazis in America and endorse the continued prosecution, not only of Nazi war criminals but of Axis collaborators. Then at least history will say, in America the last Nazis were hunted until the day they died.

We owe that much to our World War II veterans and to the survivors. We owe that much to our children. I would like to conclude with one comment. I recognize that mine is the only government on the face of the Earth that would have declassified these documents I have mentioned today, the only country on Earth where I would be free to speak to you about this subject. Thank you for listening.

[The documents referred to in Mr. Loftus' testimony are maintained in subcommittee files since they were too voluminous to print.]

[The prepared statement of Mr. Loftus follows:]

PREPARED STATEMENT OF JOHN J. LOFTUS

Oversight Hearing on General Accounting Office Report GAO/GGD–85–66 entitled "Nazis and Axis Collaborators Were Used To Further U.S. Anti-Communist Objectives in Europe—Some Immigrated to the United States."

SUMMARY

Forty years ago, a small but extremely powerful group of intelligence officials in the United States and other allied countries engaged in one of the most immoral covert operations of modern times. They jointly recruited, smuggled, and protected Nazi War Criminals and Axis Collaborators in a clumsy and unsuccessful effort to form a secret anti-communist underground. The Nazi networks were so riddled with communist agents, that our entire cold war espionage apparatus collapsed, with the near total loss of our intelligence assets behind the iron curtain. It ranks as one of the most embarrassing intelligence debacles in U.S. history. To make matters worse, some of the Nazi agents responsible for the disaster had become U.S. citizens and began sponsoring their fellow collaborators. Once the illegal immigration had begun with a handful of VIP Nazis, no one knew how to stop it. The entire episode was simply covered up, and the Nazis were allowed to remain in America.

As the GAO report now confirms, there are reasonable grounds to believe, based on specific articulable facts, that U.S. and allied intelligence agencies knowingly recruited Nazis and Axis collaborators, directly and indirectly assisted them to evade prosecution and escape to other countries including the United States, that U.S. immigration laws where repeatedly violated, and that substantial amounts of relevant information were repeatedly withheld from Congress. Further action is necessary to identify the scope of these violations, provide remedies, and devise means to prevent such abuses in the future.

In the alternative, Congress can choose to do nothing further at the present time. The last Nazi to become a citizen of the United States will probably die of old age within the next fifteen years. If no action is taken, the rest of the Nazi files will simply remain buried in the classified vaults. Only Congress has the power under the Constitution to determine the qualifications for citizenship in the United States. Only Congress has the power to expose this blatant usurpation of legislative authority by the executive branch. Only Congress has the power to compel the production of illegally classified files on Nazis in America. Congress may, however, choose to terminate its investigation of the Nazis in our country, and leave this sad chapter of history to gather dust in the vaults of the intelligence community.

However, in forty years, the seventy five year time ban on Nazi agent files will expire, and our children will read the documents of our indifference. They will ask us why we did nothing when the Nazis were still alive. I fear that we shall give them Dante's answer: that the seventh circle of hell is reserved for those who had the ability to prevent evil and did nothing. This Subcommittee must speak to history before our negligence condemns us as accomplices after the fact to the Holocaust. There is still time to erase this stain upon the page of history. If this Subcommittee does nothing else, it must condemn the Nazi legacy upon the record, and endorse the continued prosecution of War criminals and Axis collaborators in the United States. Men who murder children should never know peace; there should be no statute of limitations for genocide. In the end, let history say this: that in America, the Nazis were hunted until the day they died.

Sadly, the Nazis were not the last group to immigrate illegally to America. They are the only ones that have been declassified. New generations of war criminals are arriving in the United States. The underground railroad developed for the Nazis is still in operation, finding haven for modern terrorists in America. The clandestine funding conduits established in the 1940's to circumvent Congressional oversight are still laundering money. The tendency of obscure components of the intelligence community to delve into areas prohibited by law are still prevalent. The Nazi issue is not ancient history: it was only the first of a long series of abuses that are still going on.

Congress must act to strengthen the majority of our badly weakened intelligence agencies while effectively curbing the excesses of the minority of intelligence officials who engage in programs contrary to our laws and Constitution. One method to accomplish this without threatening legitimate areas of national security is to thoroughly explore how the Nazi operations began. Only when Congress fully understands the immorality and inefficiency that brought the Nazis to America, only then can Congress truly say to future generations of intelligence officers "never again." The latest GAO report is not the end of this process. It is only the beginning.

INTRODUCTION

In 1948, an attorney in an agency of the executive branch of the U.S. government warned the intelligence community that if Congress ever discovered the extent to which agents were being illegally brought to America under the Displaced Person's Act, it would cause great tension between the branches of government. Since that time, the intelligence community has gone to great lengths to ensure that their unconstitutional and illegal assistance to Nazis would never be exposed. During the last forty years, members of this subcommittee have been provided with incorrect information by the executive branch concerning the immigration of Nazis to America. One former Justice Department official has speculated that as many as 10,000 Nazi war criminals may have entered America. There is some difference of opinion over the number of Nazis who entered the United States, the number who received assistance from the executive branch, and whether organized programs versus individual efforts were more to blame for the Nazi immigration.

The GAO report has irrefutably confirmed three allegations: (1) that agencies of the executive branch systematically recruited Nazi emigre organizations from Eastern Europe, including known war criminals, (2) that agencies of the executive branch directly assisted several important Nazis to illegally emigrate to America, and (3) that agencies of the executive branch protected Nazi agents from investigation. Similar allegations were confirmed by the Justice Department in their report on Klaus Barbie. The Justice Department's Office of Special Investigations (OSI) now has scores of cases in litigation against Nazi War criminals in America. Credit for these events must be given to the U.S. House of Representatives Judiciary Committee, and, in particular to the staff and members of the Subcommittee on Immigration, Refugees and International Law, whose years of dogged persistence deserve recognition.

However, the work of this Subcommittee cannot end with the most recent GAO report. Through no fault of its own, the GAO report contains several substantial omissions of fact. Specific examples are discussed in part 1, infra. Consequently, several of the conclusions reached by GAO are materially false. Specific examples are given in part 2, infra. Neither the GAO nor the Barbie reports have made any recommendations to this Subcommittee concerning what Congressional action, if any, should be taken to remedy the illegal Nazi immigration of the past or to prevent such abuses in the future. The types of options open to this Subcommittee are suggested in part 3. In considering the GAO report, this subcommittee may wish to consider closely related issues of Nazi utilization and other instances of misinformation supplied to Congress by the Executive Branch. A short list of such topics is included in part 4.

Part 1: Substantial omissions of fact in the GAO report were caused by an inappropriate methodology, an overwhelming mass of data, and a lack of assistance from individuals with knowledge of Nazi utilization

The recent efforts of the GAO and OSI have marginally explored the question of Nazi smuggling by the executive branch, but the fact remains that the overwhelming majority of information which this subcommittee requested has still not been provided, either in the two GAO reports or the Barbie report. This is no reflection on OSI or GAO, both of which should be commended for their efforts.

The size of the intelligence archives is literally overwhelming. In the Suitland repository alone are 20 vaults of records, each vault nearly an acre in size. Suitland is only one of a score of facilities which maintain archives relevant to this Subcommittee's investigation, not counting foreign repositories in Canada, Australia, England, Italy and West Germany. Each of these archives maintain collections on the twenty two post-war U.S. intelligence organizations which kept files on Nazi activities.

The filing procedures were changed so drastically during the cold war that the present generation of intelligence officers simply do not know that certain collections exist, let alone know how to retrieve them. The retirement of intelligence agents who conducted these operations and filed the records has left our intelligence community nearly devoid of institutional memory. The only efficient method of records retrieval is to locate those agents and secretaries who worked on the files forty years previously and obtain their assistance.

The missing Gehlen files are a classic example. From 1947 to 1951, the National Security Council spent tens of millions of dollars funding the Gehlen Organization, a conglomeration of intelligence officers from the Third Reich. When the Justice Department requested access to these files in 1981, it was told that no one knew where the files were stored or even which cryptonym had been used for indexing them several decades earlier. The only reliable method to obtain information on the Gehlen

organization is to track down those persons who served there in the late 1940's and ask their assistance in recalling the appropriate operations codes and indices, with the results described infra.

Partly as a result of its methodology and lack of inside information, the GAO spent three years being swamped by massive waves of classified data as they wandered through the uncharted and foggy waters of the intelligence archives. Consequently, they discovered only a few of the more obvious islands of relevant information, but completely missed the hidden shoals beneath the surface which connect the islands in the intelligence archipelago. Both GAO and OSI have diligent, competent, and dedicated personnel. What they lacked was a map, a guide, and a compass.

Nearly half of the intelligence agents who worked on covert programs such as the Gehlen Organization are still alive. Had GAO interviewed them before plunging into the vaults, their research would have been considerably more efficient. Unfortunately, few of these agents, now long-retired, were willing to volunteer information to the GAO without promises of anonymity and immunity. GAO could not grant either.

To illustrate how much GAO missed, one of the agents, who was dying of cancer, agreed to give me an affidavit concerning the Gehlen Organization to give to this Subcommittee. Agent John MacIntyre was one of the few Americans to work inside the Martin Bormann Estate in Pullach, Germany where the Gehlen Organization was housed after World War II. Although it appeared on paper that he was working for Army CIC, Agent MacIntyre testified before his death that CIC was only the cover for the Gehlen Organization, which recruited former Nazis, including war criminals, for anti-soviet operations.

Agent MacIntyre personally participated in the illegal emigration of Gehlen agents from Germany. Other Gehlen personnel and declassified documents confirm the existence of such organized smuggling routes, including the one described by Agent MacIntyre out of Germany through Austria into the Free Territory of Trieste and then to Italy. Agent MacIntyre confirmed that Army CIC was largely ignorant of and blameless for the recruitment and/or smuggling, and that he believed that authorization had come from the highest levels of the intelligence community.

Perhaps neither OSI nor GAO fully appreciated the significance of the Gehlen Organization to the matters under investigation by this subcommittee. Several of the American residents identified in pages 30–40 of the GAO report worked for the Gehlen Organization. One was a senior employee who was specifically brought to America to establish a similar organization here after the 1951 German Peace Treaty when the Gehlen Organization became the official intelligence service of the new West German Government. The declassified documents released in the Klaus Barbie report establish that Barbie was also working with several of the most prominent Nazis in the Gehlen organization, including Dr. Franz Six, who was pardoned from Nuremburg to become head of Gehlen's anti-soviet operations. During World War II, Dr. Six had been in charge of the S.S. mobile killing units which operated in Byelorussia where he recruited several of the individuals described in pages 30–40 of the GAO report.

Dr. Six's assistant on the Russian desk of the Gehlen Organization was formerly Klaus Barbie's partner when they were both working for U.S. intelligence. The declassified documents in the Barbie report not only show Barbie's contacts with several prominent Gehlen agents, but they even mention the secret U.S. codename for the Gehlen Organization. Apparently, both OSI and GAO missed the Gehlen connection in their reports to this Subcommittee.

To be fair to OSI and GAO, they may have intentionally omitted an investigation into the Gehlen Organization to prevent embarrassment to a friendly foreign government and confined their research only into U.S. organizations that recruited and smuggled Nazis. However, the Gehlen Organization was in fact a U.S. organization at least until 1951, under direction of the American intelligence community and paid for with American tax dollars.

It may be, as Agent MacIntyre suggests, that it was General Gehlen himself who was manipulating and deceiving his American superiors about the utilization and smuggling of Nazis. The bottom line is that the GAO report completely omitted mentioning that the National Security Council funded a group of former Third Reich intelligence officers, including war criminals, whose job included smuggling agents illegally to various countries, including America.

It is a pity that the GAO could not make some arrangement to accommodate at least a few of the retired agents who actually worked on these programs. Incriminating intelligence documents are hidden so well that they are not likely to be found without the help of the people who would be incriminated by their discovery. Press reports after the Barbie case calling for the prosecution of former intelligence

officers who smuggled Nazis had a distinct chilling effect on the willingness of retired agents to volunteer information to the GAO. There is an epidemic of amnesia among intelligence agents whenever Nazi smuggling is raised.

Even present members of the intelligence community who wish to help researchers locate Nazi records frequently request that such assistance be kept secret from their superiors in government. Neither Congress nor the GAO have any established facilities to protect secret whistleblowers who wish to keep their jobs in the executive branch. Perhaps if such whistleblower facilities had existed in 1948, this Subcommittee would not be faced with the problem today.

Apart from the lack of inside guidance, the GAO's research in the classified Nazi files was severely handicapped by its methodology. In 1977, this subcommittee began its investigation by sending a list of names of suspected Nazis to various intelligence agencies but received no satisfactory response. In 1978, the GAO simply adopted the subcommittee's strategy and sent out an even longer list of names, again with unsatisfactory results.

The GAO's first report to this subcommittee admitted that they had found no evidence of any conspiracy by the executive branch to obstruct immigration law, although they had found one individual who had unsuccessfully attempted to immigrate with intelligence assistance, but had been turned back at Ellis Island. The GAO's first report noted that several other suspected Nazis had worked for intelligence agencies, but had found no evidence of government assistance during immigration.

In 1979–1981, the intelligence dossiers of several individuals previously investigated by Congress were discovered by the Justice Department. The dossiers contained numerous documents evidencing explicit government assistance in falsifying or concealing information during the immigration process. One of the dossiers bore the notation "do not disclose to GAO." In 1981, permission was given to declassify the hitherto withheld files. After being shown the missing dossiers, a representative of the GAO stated publicly that the conclusions of the GAO's first report were probably incorrect.

For the third time in four years, this Subcommittee requested in 1981 that the Executive Branch produce its files on Nazis who immigrated to America. Once again, the GAO compiled a list of names and submitted it to the intelligence community. Once again, the GAO did not receive complete information. despite the fact that many of the names of recruited Nazis had been provided to the GAO in advance.

The fault lies in the methodology: it is not enough to circulate a list of names together with a general request for information on Nazi smuggling. If a conclusion can be drawn from the previous unsuccessful investigations, it may be that checking name files does not work. There are no intelligence files labeled "Nazi smuggling" and the individual agent dossiers are often the last place that an intelligence agency will place incriminating information.

In the first place, operational information is almost never placed in a personal dossier. The "personal" files contain rather innocuous background data for the purpose of determining whether the individual has any "derogatory material" so as to preclude his use in intelligence operations. The intelligence community generally does not define a Nazi background as "derogatory information," so as to preclude the use of the agent in anti-communist operations.

By definition, Nazi information is irrelevant to the personal dossier, and is included, if at all, in ambiguous terms such as "served in the German Army". Many of the present generation of intelligence officers, who joined their agencies since the cold war, genuinely do not know that they have Nazis working for them.

Even a diligent search of the operational files reveals only that U.S. intelligence funded scores of eastern european emigre operations and occasionally assisted the more important emigre leaders in immigrating to America. The emigre leaders in turn taught the immigration process to their followers and encouraged them to continue their anti-communist operations in the U.S. Neither the operational nor personal files contain the Nazi information, that data is indexed under the "impersonal" or organizational files.

The impersonal files are organized by Nazi organizations, not by individuals. As the GAO confirmed, U.S. intelligence employed eastern european fascist political groups during the cold war for intelligence purposes. Intelligence archives maintain "impersonal" dossiers on each of the fascist political parties and sub-groups which comprised the Nazi puppet governments in eastern europe. The impersonal files trace the history of these fascist groups, document their Nazi collaboration and atrocities, and identify the leaders and members of each fascist group. Tracing the sub-sources for the impersonal files uncovers the U.S. informants inside each Nazi

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group. The Nazi informants provided reams of incriminating information, not only on their wartime activities, but also on their plans for migration to and reorganization in America.

The impersonal files document that U.S. intelligence organizations not only funded and employed these fascist organizations, but were fully informed before, during, and after the illegal mass immigration. The immigration of Nazis to America was no secret: they were on our payroll long before they arrived at Ellis Island, and long after they obtained U.S. Citizenship.

Had the GAO traced the historical evolution of these fascist groups through the admittedly laborious procedure of cross-referencing impersonal files, it would have discovered overwhelming evidence of large scale assistance by U.S. agencies in the illegal immigration. For example, the impersonal file for the "BTsR" (a Byelorussian acronym for the "White Ruthenian Central Council") documents the evolution of the Byelorussian Nazi puppet government during World War II, including atrocities committed and the individuals responsible.

The cross-references to this impersonal file shows how the British Secret Service recruited this organization for anti-communist operations from 1944–1947, that its component fascist political groups were turned over to U.S. intelligence in the late 1940's and early 1950's, that U.S. informants disclosed full details of meetings in Germany to relocate the underground Byelorussian Nazi movement to America pursuant to written proposals with U.S. State Department intelligence.

Both the CIA and Army CIC intervened on numerous occasions to prevent the immigration of Byelorussian Nazis to America and arranged for the arrest of the Nazi leaders in Germany. State Department ordered the Nazis released from Army custody, and State Department officers in Germany provided letters and testimony in support of their visa applications. Upon arrival in the U.S., leaders of the Byelorussian Nazis were employed by Radio Liberty and other clandestine State Department organizations.

The Byelorussian Nazis organized front groups in America and held conventions here. Intelligence estimates of the number of Byelorussian Nazi collaborators in the U.S. range from several hundred to several thousand. The former leaders of the Byelorussian Nazi government asked the Justice Department to exempt their organizations from the Foreign Agents Registration Act on the grounds that "all their leaders are in the U.S." Indeed, the thirty-plus impersonal files which relate to the Byelorussians document that the entire leadership of this Nazi puppet government had immigrated to America by the early 1960's.

The FBI was fully cognizant of the Nazi background of these front groups and their leaders, who also worked for the FBI as informants. The FBI maintained its own "impersonal file" on the Byelorussian organizations and monitored their continuing relationship with U.S. and British intelligence. Just as the State Department assisted the Byelorussian Nazis with their visa applications, the FBI assisted them to obtain citizenship by withholding information on their Nazi backgrounds.

The FBI even vouched for their citizenship applications by telling the Justice Department that the Byelorussian Nazi leaders were "trustworthy and good anti-communists," despite that fact that Army CIC and the CIA had denounced the same individuals to the FBI as war criminals and nazi collaborators. The FBI and State Department withheld data on two of these individuals from this subcommittee in 1977 and 1978. Another of these individuals, identified as Subject B in the present GAO report, also provided information to the FBI together with his brother.

Virtually none of this information can be retrieved by name traces. The name trace methodology is further limited by variations in spelling, falsified birthdates, and the arcane restrictions of the "third agency rule." An historical or organizational methodology which traces fascist emigre groups through the impersonal files is a much more efficient approach.

For example, the Canadian Broadcasting Corporation has traced the U.S.-British relationship to one eastern european group simply through declassified impersonal files available in various national archives. The Australian Broadcasting Corporation has traced yet another eastern european group through the same methodology with even more impressive results. Impersonal trace methodology has proven a connection with U.S.-British intelligence to three separate eastern european fascist organizations. The identical patterns of recruitment, smuggling and protection were used in each case. The GAO could find only evidence of individual assistance.

The impersonal trace methodology is the only reliable method to detect passive assistance in illegal immigration. The impersonal files show that U.S. intelligence had reams of data well in advance of the Nazi immigration to America. In the case of the Byelorussian Nazis, our files show that they were indexed pre-immigration by atrocity, fascist political affiliation, and residence in American zone refugee camps

in Germany. The intelligence community simply sat on their files during the immigration process, allowing even the most notorious war criminals in their employ to obtain visas on their own by false pretenses.

Had the GAO traced the impersonal files, it would have discovered that U.S. intelligence knew that there were Nazi collaborators illegally residing in our refugee camps in Germany, knew that a mass emigration to America was underway, but chose to maintain a passive silence. Since the intelligence community was the only one with detailed knowledge of fascist affiliations, their silence guaranteed that the Nazi collaborators would find no obstacles in their immigration to America.

There were, of course, rare instances when either the CIA or the Army CIC would detect Nazis trying to slip through the immigration screen. Only in those rare circumstances would State intelligence intervene actively and directly to protect their Nazi agents. State would then provide false documents, official testimony in support of the agent, or even arrange clandestine entry through Canada so as to circumvent the generally anti-Nazi CIA and CIC presence in Germany. But active assistance, as opposed to the passive suppression of information, was the exception rather than the rule.

In most instances, the State Department intelligence group (OPC or Office of Policy Coordination) simply withheld their impersonal files from the Immigration and Naturalization Service. Deprived of hard data on the obscure topic of eastern european fascist political groups, the immigration service simply lacked the resources to screen fascist emigres. Occasionally, the immigration service would stumble across a Nazi agent in America and protest to State intelligence. State would then, as a last resort, protect its agents by placing them within the protection of the 100 Persons Act or the Parole Waiver Act, which effectively removed them from the usual screening criteria. Prior to the 1952 merger of State OPC and CIA, these statutes were rarely used by OPC because of the disclosure requirements to the arch-rival CIA and to the Attorney General.

To prevent disclosure of its Nazi recruiting, the State Department adopted a clever stratagem. Relying on the immigration service's near total ignorance of eastern european fascists groups, the State Department provided INS with revisionist histories and in at least one documented instance, successfully convinced INS to drop an eastern european fascist organization from the "inimical list," thus facilitating mass emigration of the members of this organization to the United States. (see discussion of Subject D, infra).

It is evident from the few cases mentioned on pages 30-40 of the GAO report, that direct, active assistance to Nazi emigres was only given as a last resort after the agent had been detected and was only granted to VIP Nazis caught while trying to sneak into the country on their own. The cases of illegal immigration reported by the GAO were the exception, rather than the rule. By and large, the cases of active assistance cited in the present GAO report involve senior Nazi agents who were coordinating the mass immigration of their fellow collaborators to America. A few specific examples will demonstrate that the GAO's methodology lead them to discover only the tip of the immigration iceberg.

THE GAO REPORT (PP. 31-31) "SUBJECT B"

In 1948, a member of this subcommittee, Congressman Arthur D. Klein of New York, cited the case of Stanislaw Stankievich as an example of the sort of Nazi war criminal whom Congress intended to exclude from immigration to America. A description of Stankievich's atrocities was read into the Congressional record. Stankievich is the same individual cited as "Subject B" of the GAO report. The GAO described Stankevich as a known war criminal who was employed by the intelligence community in Germany and later in America, despite knowledge of his fascist tendencies. The GAO report failed to mention that several hundred of Stankievich's fellow war criminals and collaborators were also admitted to the U.S. and were funded and controlled by U.S. intelligence through high level contact agents such as Stankievich.

The GAO report failed to mention that Stankievich was the ringleader of an illegal intelligence organization in post-war Germany that systematically smuggled an entire Nazi puppet government. Several of Stankievich's associates have already been charged by OSI with war crimes. Among other duties, our State Department put Stankievich in charge of a refugee camp in the American zone of Germany where he advised on persons who were worthy to receive visas to America. As mute testimony to his success in obtaining visas, there is a private cemetery for the Byelorussian S.S. in New Jersey, along with a monument to their S.S. Brigade "Belarus"

which fought against the allies in Monte Casino and in France, and which had earlier assisted the Germans in murdering hundreds of thousands of Byelorussian Jews.

Two of Stankievich's fellow collaborators were investigated by the subcommittee in 1977 and 1978, but their files were never produced. After Stankievich's death, he was replaced by several other Byelorussian Nazi collaborators who still work for the U.S. government. Two of them have served on the board of the World Anti-Communist League, a "private" group which supplies funds to groups which Congress has ordered the intelligence community to stop subsidizing.

Despite the fact that he was condemned by name in Congress, specifically denounced in the United Nations, and wanted at Nuremburg, Stankevich flouted every federal law and avoided every investigation for thirty years while he worked for the U.S. government. He died peacefully in his sleep, a citizen of the United States. His organization of Byelorussian Nazis lives on. They are not the only such eastern european fascist group in America today.

THE GAO REPORT—"SUBJECT D" (P. 34)

In 1949, Congress enabled the intelligence community to waive citizenship qualifications for up to 100 persons a year for intelligence purposes. The Act was designed to reward communist defectors who were otherwise ineligible under immigration law. In 1949, members of this subcommittee warned that the "100 persons act" should not be used to bring Nazi war criminals, collaborators, and other undesirables to America. In 1979, this subcommittee held hearings during which it was told that no such abuses of the act had occurred. The individual identified as "Subject D" in the GAO report came in under this act. The GAO report failed to mention that Subject D provided a list of some 8,000 individuals to U.S. intelligence, which subsequently funded Subject D's organization with full knowledge of its Nazi background. With the help of Subject D, members of his organization emigrated to America.

There are other individuals, apart from Subject D, who came in under the 100 person's act who are known Nazis, war criminals and/or similar type murderers, whose identities were withheld from this subcommittee. It should also be noted that neither the GAO nor OSI reported that Subject D was initially monitored by Klaus Barbie, nor that Subject D's associates were members of Klaus Barbie's network on behalf of U.S. intelligence and other allied nations. At the present time, members of Subject D's eastern european fascist political group are being funded by the U.S. intelligence community and have mounted a massive lobbying campaign to terminate the investigation of Nazi war criminals in America. Several of Subject D's recruits have already been charged by OSI with war crimes.

THE GAO REPORT—SUBJECT C (PP. 32–34)

In 1951, Congress passed legislation permitting the intelligence community unlimited power to waive visa requirements for temporary residence of agents in America. The act was designed to facilitate the training of agents in secure facilities in this country who would then go overseas. Congress expressly forbade such persons from obtaining citizenship or becoming permanent residents. In 1951, this subcommittee warned that the "parole waiver" statute should not be used to permit the immigration of Nazis to America. Subject C, along with 1,700 other individuals were admitted under this statute.

While in this country, Subject C recruited other Nazi war criminals, including several individuals against whom OSI has already filed charges. The GAO never looked at the individuals admitted under this statute, although one of Subject C's intelligence dossiers makes clear reference to his admission by waiver. Subject C was personally recruited by a senior state department official responsible for coordinating eastern european political groups. The individuals recruited by Subject C were resettled here after a disastrous intelligence operation in eastern europe.

THE GAO REPORT—OPERATION PAPERCLIP (PP. 27–29)

During the 1970's, this subcommittee repeatedly investigated the recruitment of German scientists, and was repeatedly told that President Truman's prohibition against the use of war criminals and certain other Nazis had been strictly obeyed. The GAO report fails to mention recent documentation in the Bulletin of Atomic Scientists establishing that U.S. agencies in Germany systematically deleted all references to prohibited Nazi backgrounds from the Paperclip files and simultaneously terminated all investigations into their war crimes. The intelligence community

then reported to the President that the dossiers contained no derogatory information.

The GAO report fails to mention that OSI has several other Paperclip scientists under active investigation for war crimes at the present time. In fact, the procedures used to circumvent Presidential restrictions in Operation Paperclip were later adopted by the State Department to facilitate the mass immigration of fascist political groups. As the years went by and no one was caught, the intelligence agencies became more emboldened. During the 1970's a member of Congress insisted that certain domestic espionage files be destroyed. One intelligence organization, pressed for time, simply stapled the papers on the outside of the file jacket, and solemnly swore that the offensive material had been removed.

THE GAO REPORT—KLAUS BARBIE (PP. 21–22)

This subcommittee requested GAO to investigate Klaus Barbie, the "Butcher of Lyon" and the GAO confirmed the OSI report that officers of the U.S. Army's Counter Intelligence Corps (CIC) employed Klaus Barbie, protected him from extradition to France, and organized his escape to South America. In fact, it was the French High Commissioner for Germany, Francois Poncet, who was stalling Barbie's extradition and who eventually provided transit papers to Barbie. Poncet, the highest French official in occupied Germany, wished to conceal his wartime relationship as a Gestapo informant for Barbie against the communist faction of the French resistance.

Poncet later became head of the International Red Cross where he furnished documents to U.S. and British intelligence to assist other Nazi fugitives. The so called "Vatican Ratline" used in Barbie's escape was actually a high level Pentagon-State-British intelligence operation involving Poncet and other of Barbie's contacts. Apparently, not all of the relevant files were reviewed by GAO or OSI.

The smuggling operation files, recently discovered by the Australian Broadcasting Commission during an impersonal file trace, establish that Army CIC played a very limited and largely unwitting role. Father Dragonovich, the man who actually smuggled Barbie to South America, was in fact a senior intelligence liasion between the Vatican, the Pentagon, and the State Department.

The majority of Barbie's contacts were not with the U.S. State Department, but with other allied nations, especially the British Secret Service, which was his original post-war employer, and which subsequently relocated one of Barbie's assistants to Canada (along with other members of the organizations run by Subjects B, C, and D in the GAO Report). Many of these Nazi collaborators later emigrated from Canada to the United States.

THE GAO REPORT—ALLIED INVOLVEMENT IN NAZI SMUGGLING

The GAO report makes repeated reference to an allied intelligence service which had previously employed several of the Nazis identified on pages 30–40 of its report. The British Secret Service has been previously identified in several declassified documents and history books as the employer of these individuals. The disinclination to investigate allied complicity in the smuggling of Nazis to America has severely handicapped the reports prepared by OSI and GAO. No report on Nazi smuggling could possibly be complete without references to the Gehlen Organization or to Section 9 of British SIS. They were the ones who organized the eastern european fascist groups in the first place.

As several history books document, the British initiated the "Prometheus" program in 1926 to organize right-wing eastern european groups against the communists. During World War II, these eastern european radical nationalists defected to the Germans and were later supervised by General Gehlen of the German Army, and by Dr. Six of the S.S., among others. Until 1943, the former British agents of Prometheus were dedicated Nazis, and in many instances, proved their loyalty to the S.S. by participating in gruesome atrocities. In 1944, the eastern european fascist leaders began to defect back to the British and were reorganized into a new front group called ABN (the Anti-Bolshevic Bloc of Nations). To supervise the Nazi defectors, the British established Section 9 of SIS under the direction of Kim Philby. From 1944 to 1948, the British Secret Service systematically recruited eastern european fascist groups to form an underground army against communism.

British liasion officers were sent to the Americans to convince them that these ex-Nazis were a valuable weapon against Russia, an opinion which was shared by a minority group in the U.S. State Department, principally the Dulles brothers and Frank Wisner. The British liasion for recruiting Nazi scientists was Donald MacClean. The liasion for retrieving Nazi documents on Prometheus and other sensitive

British topics was Anthony Blunt. The liasion for Nazi background checks was Roger Hollis. The liasion for recruiting Nazis in the allied zone of Germany was Leo Long. The liasion for sabotage operations was Guy Burgess.

Finally, Philby requested that the U.S. State Department take over his Nazi emigre groups entirely, pleading a lack of funds. Philby himself came to Washington in 1949 to coordinate the consolidation of the British-sponsored Nazi extremists with the more moderate democratic factious employed by the Americans. Although Philby and the others failed to convince the Americans to take over their Nazi networks entirely, they did convince the OPC to run joint operations with the British. In time, the U.S. aversion to the Nazi extremists diminished, and they began to replace the more moderate political leaders and organizations previously employed.

Each of the British liasion officers for post-war Nazi operations has now been identified as a communist double agent. It was not discovered for another decade that the Nazi groups which we imported from the British was riddled with communist double agents planted among the fascist political groups prior to World War II. Understandably, all subsequent U.S.-British operations in eastern europe were a spectacular failure, as the communist moles in each emigre group provided full disclosure to Moscow. After Philby surfaced in a Moscow press conference in the early 1960's, both State and FBI were considerably chagrined to have assisted him in relocating alleged Nazis to America. The entire fiasco was simply swept under the rug.

The Pentagon, largely unwitting of the previous disaster, rehired many of the fascist political groups in the 1970's for an entirely new anti-communist program in Latin America. The Pentagon assumed CIA had done the background checks; CIA assumed the FBI had done them; the FBI assumed State had done them; State had first assumed that Philby had done them, and was too embarrassed later to admit that an enormous error had occurred.

Several Byelorussian Nazis, including Subject B, have very detailed allegations against them that they were among the communist agents who infiltrated the Nazi groups. One of these persons is still working at Radio Liberty. Another had worked with the CIA for twenty years under a completely false background. No one knows how many other "red Nazis" were smuggled in. One of the communist moles in the Byelorussian Nazis defected, revealed his true background to U.S. intelligence, and was resettled in another country.

The sad truth is, that our intelligence community is too embarrassed to investigate for communist agents among the Nazi groups in America. One intelligence agency upon discovering that a particular fascists emigre group was heavily penetrated by the communists simply stopped supplying the group with money and locked up all the files in four large safes which were never opened again. There is no record of any steps taken to remove members of the group, either communist or fascist, from America.

Army CIC, in particular, has warned since 1947 that the Gehlen Organization was penetrated by communists posing as former fascists. The warning has proved accurate as spy scandals have erupted in the West German Intelligence Service from 1963 to the present. The belated consensus of the NATO intelligence agencies is that the use of the ex-Nazi intelligence nets did far more harm then good as these supposedly fascist emigre anti-communist groups were hopelessly riddled with communist agents. The intelligence community has classified the exact fatality rate of our operations behind the iron curtain. The use of fascist emigre groups, now confirmed by the GAO, was worse than immoral; it was a mistake.

Failing to investigate the British connection to American Nazi smuggling was a serious mistake by the GAO. The British organized the Nazi emigres after World War II and dumped them in Canada and Australia. In 1948, when Congress passed the Displaced Persons Act, it became possible for the British to resettle large numbers of emigres in America. The State Department simply closed its eyes to the fact that it was Nazi persecutors as well as their victims who were applying for visas. Only the State Department and the British had detailed information on these eastern european fascist groups, and they omitted to tell anyone else. As George Orwell once said, "the omission is the most powerful form of lie, and it is the duty of the historian to see that those lies do not creep into the history books." Ironically, he was writing about a sanitized intelligence file.

Part 2: Erroneous conclusions in the GAO report include the extent of immigration assistance and the identities of the agencies involved

As a result of the omissions described above, several of the conclusions in the GAO report are materially false. Most notably, the following: "GAO did not find evidence of any specific program to help such persons emigrate to the United

States . . . [but] did find some evidence that intelligence agencies aided Nazis and Axis collaborators to immigrate on an individual basis." (GAO Report, page ii). The implication is that there was no large-scale organized effort to aid Nazi immigration to America. Such a conclusion is incorrect.

Prior to their immigration, the eastern european fascist groups were heavily penetrated by U.S. intelligence. (See, e.g., Top Secret Consolidate Guidance & Orientation Report, 1948, Germany). We knew which refugee camps the Nazi were living in, what war crimes they were wanted for, what positions they held in the S.S., what their rank was in the Nazi puppet government, even which sub-factions of the Nazi underground they favored. Our informants among the Nazis disclosed their emigration plans in advance. U.S. intelligence knew, for example, that a vote was held in a Byelorussian refugee camp in the late 1940's to relocate the entire underground organization to America. No steps were taken to prevent them from doing so.

U.S. intelligence did not arrest the Nazis in Germany or prevent their emigration because a deal was being negotiated. The Nazi President of Byelorussia sent a lengthy written letter to U.S. intelligence describing his services to the Nazis and offering to turn over his entire underground network behind the iron curtain in return for assurances that none of his people would be prosecuted for their war crimes or collaboration with the Germans. (R. Ostrowsky file, declassified, now in custody of CIA). Ostrowsky and his fellow cabinet members were promptly recruited as agents for State Department OPC (See e.g., OPC interview sheet, F. Kushel file, now in custody of CIA).

State Department officers in Germany then granted visas to every one of the Nazi cabinet members who did not even bother to change their names. The Nazis even received letters of reference signed by State Department Consular Officials, attesting to previous good work for U.S. intelligence, which the Nazis displayed at their visa hearings. (See, e.g., INS file, Emanuel Jasiuk). To remove the last shred of doubt that State knew that their Nazi agents were emigrating from Germany to America, OPC subsidized President Ostrowsky's next nazi convention. It was held, not in Munich, but in South River, New Jersey. The convention roster is in the Library of Congress. Of the more than 100 Byelorussian Nazi leaders attending the convention, 56 publicly identified themselves as U.S. residents. State Department and the FBI continuously monitored the Byelorussian Nazi immigration to America.

The evidence that GAO missed is that State knew in advance of plans for a large scale Nazi emigration to America, and assisted him by doing nothing to stop it. A cursory check of Nazi information in the impersonal files available to State Department prior to emigration establishes beyond doubt that there was a conspiracy of silence. A comparison of visas issued by the State Department with State's own Nazi files is all that is necessary to rebutt the GAO's conclusion that there was no large scale assistance to illegal Nazi immigration.

To be fair, the GAO stated that they could not find evidence of "any program specifically developed to aid the immigration of these types of aliens into the United States." (GAO Report, page 5). That is an important qualification. Granted, no one in the government ever established anything entitled the "Nazi Recruitment Desk." But there was evidence of general programs to aid Nazi immigration, which GAO missed.

1. Informant protection. In the U.S. Army Classified Archives at Carlisle Barracks is a confidential interview with Major Charles Quarles describing how Nazi informants in Germany were rewarded with visas to America under the Displaced Persons Act.

2. Informant escort. In the OSI archives is a memorandum of interview with a former State Department Security Officer describing how he was ordered to personally escort selected agents from the refugee camps through U.S. immigration, relying on his personal contacts with the immigration officers to expedite the paperwork with no questions asked. The security officer explained that the agents were all coming over to work on Radio Liberty, and that a huge influx of these people had been brought to America in 1948–49. The security officer explained that the regular background checks were not done, but were handled instead by an intelligence agency. As the GAO notes, page 30-40, a surprising percentage of the Nazis they discovered were employed by Radio Free Europe, Radio Liberty, and Voice of America. It is no coincidence.

3. False papers. In the INSCOM intelligence dossier for Heinz Felfe appears a cable requesting that a false background be provided Felfe to enable him to obtain a visa to America. Felfe was a former German officer working for the U.S. as the Deputy Chief of the Gehlen organization. He was later convicted in West Germany of being a communist double agent.

4. Border crossers. Border guards in Mexico were alerted by U.S. intelligence to pass through the Paperclip Scientists without question. Similar arrangements were made with Canadian border guards to admit Byelorussian Nazis to America.

5. Plane flights. A former military pilot has publicly acknowledged having flown planeloads of unregistered eastern europeans from Germany to Ft. Devens, Massachusetts in military planes with their windows painted black. The passengers were carried on the manifest weigh bills as military cargo.

6. FBI vouchers. After arriving in America, the INS would ask the FBI to screen the "refugees" for citizenship. The FBI approved the "refugees" for citizenship with full knowledge that the background sworn to in Federal Court was a lie. See, e.g., FBI file for S.S. General Franz Kushel. After recruiting General Kushel as an informant on Byelorussian Nazi activities in America, the FBI permitted General Kushel to apply for citizenship on the basis that he spent the entire war as a forced laborer on a farm in Poland. In fact, the FBI knew that he commanded an entire division of Byelorussian Nazi collaborators for the Germans.

7. Red flags. OPC recruits for Radio Liberty had a red cardboard flag stapled to their immigration paperwork marked "American Committee For Liberation from Bolshevism" and showing a New York address. All such persons were passed through immigration on an expedited basis. This is how subject B of the GAO report came to America. The red flag is still in his INS file.

8. South American circuit. War criminals too notorious to risk a direct U.S. entry were sent by U.S. intelligence through Italy to Paraguay, Chile, Bolivia, and Argentina. There they obtained South American papers and emigrated to the United States. This is how the Nazi President of Byelorussia finally arrived in America.

9. Research institutes. Chris Simpson, an investigative journalist from Maryland, has discovered documents concerning a high-level program to illegally bring agents to the United States under cover of the Displaced Persons Act. Subsequent documents show that the persons recruited for the research institute were former Nazi intelligence agents, and that there was a great deal of concern that Congress might find out about the program.

10. File sabotage. The "Central Registry" of U.S. intelligence in Germany contained voluminous information on the Nazis who were applying for visas to America. In each case, the Central Registry check came back to Army CIC marked "no information." There are too many such cases to attribute to coincidence or clerical ineptitude.

11. Double files. In several instances, the State Department had its agents fill out two visa applications: one admitting Nazi affiliation and one denying it. In at least one instance, a suspected Nazi was able to evade charges of fraudulent immigration by coming up with a document showing that he had made full disclosure to the State Department and they admitted him nevertheless.

Similarly, the GAO's conclusion (p. 11) that "extensive personnel records . . . did not exist for the collaborators" is incorrect. The Central Registry was an inter-service, inter-allied card data file used for intelligence purposes in post-war Europe. Extensive political-biographical information compiled from British and American agents in eastern europe was fed into the file, along with captured Nazi records, and informant debriefings. It was this CR file, not the CROWCASS Index as suggested by GAO, which was utilized for the actual screening for visa applicants to America.

Although not perfect by any means, the CR files generally were sufficient to identify the top two or three hundred collaborators in each eastern european country and to pinpoint their post-war residence in the allied zones of europe. The CR index is so massive that the 3x5" cards fill an entire vault room, approximately ten by twenty feet. The CR index is the single best source to discover what U.S. intelligence knew about Nazi immigration and when they knew it. Since all visa applications had to be cleared through the CR index, it is also the best evidence for passive government assistance to Nazi immigration by ignoring incriminating data.

The GAO report leaves the impression that all U.S. intelligence agencies were somehow involved at least in the protection of Nazis overseas. That could not be further from the truth. The overwhelming majority of the U.S. intelligence community, then and now, acted honorably and in full compliance with the federal law and presidential orders. What happened was the result of a mutiny by a minority of OPC officers who inaccurately predicted that World War III would break out in 1949, and arrogantly took the law into their own hands. Over the years, they did not know how to prevent the original groups of Nazis in America from sponsoring others. As a result, the coverup began to snowball apace with the illegal immigration. The majority of OPC officers were also honorable men who were largely unwitting of the Nazi connection to OPC. The decision to perpetuate the Nazi coverup

was a political one and beyond the scope of the present investigation by this subcommittee.

There are numerous documents showing that Army CIC and the CIA informed the FBI of illegal Nazi immigration, but were ignored. There are numerous documents that the CIC and CIA attempted to arrest Nazi war criminals in europe, but were blocked by the State Department. In one document concerning Ukranian Nazis, a bemused military intelligence officer observed that one wing of the government (CIA) was hunting the Ukranian Nazis in Europe while another unit (OPC) was recruiting them. CIC later learned that State had sent them a wild goose chase all over Germany hunting for fugitive Ukranian Nazis who had been warned to go into hiding by the State Department.

When Stankevich and other prominent eastern european Nazis were denounced as war criminals in the United Nations, Army CIC in Germany arrested Stankevich and confirmed that he was a Nazi. The State department forwarded a report to Washington that Stankevich was a good anti-communist and that there was no derogatory information on file. After this incident, and after receiving reports that Stankevich had admitted personally directing the massacre of 8,000 Jews in Borissow, State Department promoted Stankevich to become head of an institute doing Russian Research and later made him a broadcaster at Radio Liberty.

In 1977, just as this Subcommittee was beginning its Nazi investigations, the new head of Radio Liberty requested a security check on Stankevich. Virtually all the U.S. and Nato intelligence services truthfully confirmed that he was a wanted war criminal with an outstanding extradition request. Despite this Subcommittee's request to State Department for the names of all outstanding extradition requests, Stankevich's name was never provided. GAO missed this information completely.

Without repeating the litany of the numerous Nazi dossiers that were requested but never provided to this subcommittee, it becomes clear that there are only two explanations: either the U.S. intelligence community is so incompetent that it cannot find dossiers on its own agents, or that a few powerful individuals in the intelligence community were obstructing Congressional investigations. My opinion is that some of both is involved with the balance at 90% stupidity and only 10% conspiracy. Only the most naive could believe that so many Nazis could arrive in this country and survive undetected for forty years without any government assistance whatsoever.

The question is, what, if anything should this Subcommittee do about it?

Part 3: Options and recommendations short, medium, and long term strategies

There are several short, medium, and long term options open to this subcommittee. The last option, doing nothing, is discussed in part 4. Briefly the short term options include the following:

(a) Congress should continue funding OSI to get as many Nazis as possible out of America before they die of old age. At least history will record that America had the courage to admit its mistakes and correct them.

(b) This Subcommittee should solicit written proposals for legislative alternatives or other strategies for dealing with the remaining Nazi problem. Several Attorneys and law students have established a foundation for legal research on this topic. They have prepared extensive memoranda should this Subcommittee care to receive them.

(c) This subcommittee should hold further hearings to determine the scope of the Nazi problem in America, allotting sufficient time to permit all sides to air their views.

(d) Forward the GAO Report and the record of this hearing to each intelligence agency and ask them to confirm or deny in writing the present allegations of Nazi recruitment, smuggling and protection.

(e) Continue the present hearing in Executive Session to receive classified information pertaining to the GAO report.

Briefly, the medium term options include: (a) establishing a Congressional Commission, similar to the Commission on the Ukranian Famine, to conduct further research and investigations into the Nazi problem in America.

(b) request that the appropriate committees on intelligence in the House and Senate review the files of the 100 Persons Act and the Parole Waiver Act for evidence of abuse.

(c) prepare a list of Nazi organizations and fascist political groups and request the intelligence community to provide this Subcommittee with all file data, personal, impersonal, or operational which tends to prove: (a) that U.S. agencies employed such groups overseas, (b) that U.S. agencies assisted members of such groups to

evade punishment for war crimes and collaboration with the Nazis, (c) that U.S. agencies had knowledge that members of such groups were emigrating to the U.S. and other allied nations, (d) that U.S. agencies assisted in such emigration directly or indirectly by misfeasance, malfeasance or nonfeasance, (e) that U.S. agencies continued to employ members of such groups after their emigration to America, (f) that U.S. agencies directly or indirectly assisted members of such groups to obtain U.S. citizenship, whether such assistance was by misfeasance, malfeasance, or nonfeasance, (g) whether U.S. agencies directly or indirectly assisted members of such groups to avoid, evade or obstruct any U.S. government investigation, whether by malfeasance, misfeasance or nonfeasance.

Long term options available to this Subcommittee include the following: (a) compel certain past or present employees of the U.S. Government to testify under oath before this Subcommittee concerning their knowledge of Nazi recruitment, smuggling, and protection.

(b) recommend endorsement of the legislation proposed by the Association of Former Intelligence Officers calling for the establishment of a Joint Congressional Intelligence Oversight Committee to prevent such abuses in the future.

(c) draft legislation to provide immunity and anonymity for employees of the executive branch who wish to expose wrongdoing to Congress or the GAO.

(d) refer those matters discussed in part 4, infra, for investigation by the appropriate committees of Congress.

(e) draft legislation to facilitate the removal and/or prosecution of Nazi collaborators in America.

(f) draft legislation to facilitate the prosecution of executive branch employees whose misfeasance, malfeasance or nonfeasance materially contributes to the obstruction of a Congressional investigation or assists in the knowing violation of federal law, with a sufficiently long statute of limitations to ensure that such transgressions do not go unpunished.

Part 4: Related areas of inquiry

The following areas have not been declassified, and so may be described only in general terms. Specific data can be provided in Executive Session, if the Subcommittee desires:

1. Illegal immigration by groups other than Nazis.
2. Utilization of Nazis in recent covert operations.
3. Federal financial conduits to Nazi groups and other organizations so as to avoid Congressional scrutiny.
4. Diversion of Nazi war booty into intelligence organizations rather than to reparations for survivors.
5. Pre-war and wartime investment by multinational corporations in the Third Reich, including American firms.
6. Post-war laundering of Third Reich financial assets by multinational corporations, including American firms.
7. Nazi intelligence recruitment of U.S. and British political, corporate and financial leaders.
8. Communist penetration of NATO intelligence agencies through fascist double agents.
9. Domestic political embarrassment in allied nations as a factor preventing the exposure of communist agents in fascist groups.
10. Use of fascist and other terrorist organizations to circumvent Congressional oversight of intelligence operations.
11. Identities of U.S. and British political leaders who obstructed post-war Nazi investigations.
12. Continuance of Nazi experiments on biological and chemical warfare.
13. Faults and failures in U.S. intelligence archives and indices.
14. Allied intelligence involvement with Dr. Mengele.
15. Manipulation of the Vatican by allied intelligence agencies: protection of fugitive Nazis.
16. Nazi connection in central American covert operations.
17. Nazi connection with covert assassination programs.
18. Nazi flight capital and the Latin American debt.
19. Warren Commission files involving Nazi recruitment programs.
20. Continued violations of Congressional prohibition on domestic eavesdropping.
21. Subversion of anti-Nazi immigration statutes by administrative regulation.
22. Abuses under the 100 Persons Act.

23. Intelligence funding of domestic political groups which lobby for termination of Nazi investigations.
24. Nazi intelligence recruitment of middle eastern political leaders.
25. Allied knowledge of the Holocaust and suppression of atrocity reports during World War II.
26. American and British nationals who served in Axis governments or Nazi organizations during World War II: suppression of treason investigations.
27. OPC members in subsequent administrations: impact on foreign policy in the Middle East and Latin America.
28. Soviet infiltration and manipulation of right wing extremists in the Middle East and Latin America.
29. Soviet contacts with Nazis in the U.S.

It is recognized that the above topics are beyond the narrow scope of the present GAO report, yet they relate to and effect the general issue raised by this Subcommittee: the extent of the Nazi problem in the United States. The final option before this Subcommittee is to do nothing. Other governments may decide differently. The government of Canada has already established its own Commission to investigate these matters, and last week released a previous Top Secret cable from the British Government asking that all prosecution of Nazi War Criminals be terminated as of 1948.

Similar exposures are sure to take place in the press as declassified intelligence files from the cold war are released to the public from American and allied archives. There are approximately 30 journalists, scholars, historians and Ph.D. candidates currently preparing publications on this topic which go far beyond the present GAO report in their documentation. Canadian Broadcasting and Australian Broadcasting are already preparing special programs on Nazi emigration. The upcoming Barbie trial in France is sure to generate more controversy. Year after year, the spectre of America's Nazis will continue to haunt us. The problem will not go away.

Congressional inaction will only fuel this controversy in the future and may exaggerate its scope, to the detriment of our intelligence programs. On the other hand, inactivity may generate a media backlash which will at least provide an opportunity to educate the present generation about the Holocaust. The simplest thing might be to admit that it happened, apologize, and get on with the business of ensuring that it can never happen again.

Mr. MAZZOLI. I yield myself 5 minutes for questions.

As far as the verification on the part of this subcommittee of its willingness to see all Nazis and Axis collaborators identified and prosecuted that was testified to by Mr. Sher who publicly complimented this subcommittee for having consistently provided earmarked funding for the purpose of that, so we on that basis as a committee can be proud of that effort. You take issue with the quality of the GAO report. How would you have improved upon it? What would have been your methodology, if you take the posture as Miss Holtzman does in her memo.

Mr. LOFTUS. They were looking in the personal dossiers. The personal file is the last place that incriminating information is placed. A Nazi background is not derogatory information for the intelligence community.

Mr. MAZZOLI. We heard Mr. Tipton on the GAO panel and he has been on that subject for years. He is a fairminded, dogged investigator. He seems confident and comfortable with the kind of methodology. They have many qualifiers from reading the report, but he is comfortable with how they went about trying to find their charge which is, was there a plot? Was there an active, or an inactive covert or overt Government program for first identifying the Nazis or collaborators and bring them into the United States and protect them? I don't know Mr. Tipton, and I have seen him only in action at the committee table. How would he have permitted his professionalism and that of Mr. Jones and Mr. Glick to go in a report that is so faulty?

Mr. LOFTUS. In 1977 this subcommittee sent around a list of names and got unsuccessful results. In 1978, the GAO sent around a list of names and got unsuccessful results. The irony in this case, is that all of the names mentioned in this 1985 GAO report were provided by me or Mr. Truitt to the GAO. All the GAO had to do was go out and confirm their existence.

Mr. MAZZOLI. Apparently you were in touch with the people during the course of this inquiry, some time during the 3 years?

Mr. LOFTUS. It was a one-way street. I had no opportunity to review the GAO or the other report prior to publication.

Mr. MAZZOLI. Some of the names they got were from you. Did you proffer more names than those 14 or 15?

Mr. LOFTUS. I had given them those names as a way of tracing back others.

Mr. MAZZOLI. If you knew how faulty their methodology was and if you thought they were chained and linked to the past failed type of investigation, why would you have not given them all the names at your disposal?

Mr. LOFTUS. I gave them every name at my disposal.

Mr. MAZZOLI. There are only 14 names of people who came into the country.

Mr. LOFTUS. Fourteen classic instances of Nazis working for the intelligence community.

Mr. MAZZOLI. The question is, Why would you have not given them 1,000 or 10,000 or 400, if you knew that because of the charge, in effect the way we told them to operate or because of their own methodological failures, they would not have been able to arrive at these new names?

Mr. LOFTUS. I wrote a book about it. In the Ukranian Nazi organizations there is a computer list of some 8,000. Many are currently targets of OSI investigation. All of that information was provided.

Mr. MAZZOLI. They only have 300 targets of investigation at the OSI right now. If they had 300 closed cases and 300 active ones, yet you say that all of those were brought in surreptiously. You said because the names would have been people——

Mr. LOFTUS. Perhaps you don't understand how the system works, sir. The ring leaders that work for the State Department generally were the only ones that had direct contact with the intelligence community. Those were the people upon whom I suggested the GAO should focus. Underneath those individuals are impersonal files documenting thousands of individuals who worked within that particular Eastern European fascist organization.

I made a cursory check of each of the 22 different Fascist groups and saw that significant numbers are present in America.

Mr. MAZZOLI. The gentleman from Florida.

Mr. MCCOLLUM. What figures of the State Department that you referred to back in the Truman period were involved in this process?

Do you have names?

Mr. LOFTUS. Yes, sir. The State Department Office that did the recruiting was the Office of Policy Coordination [OPC]. The person's responsible were the Dulles brothers and Frank Wisner, the Deputy Assistant Secretary of State. They reported to the Policy

and Planning Staff headed by Mr. George Kennan, and later by Paul Nitzi. During the Eisenhower administration, special White House representatives were appointed. And among the individuals responsible for the OPC supervision was the Under Secretary of HEW, Nelson Rockefeller and later Richard Nixon, who even received one of the Byelorussian Nazis in the White House.

Mr. McCollum. Do you believe every person you just named was fully aware of the fact that Nazi war criminals were being allowed to come into the United States?

Mr. Loftus. No. They inherited these groups from the British and all five of the British liaison officers were Communist double agents. They sold us a bill of goods. When we used these groups for anti-Communist operations in Eastern Europe, it was an unmitigated disaster. By 1959 we had lost all of our intelligence operations behind the Iron Curtain with the exception of East Germany.

Mr. McCollum. The records that exist on these people and what you did in the way of research, so forth, you heard the definitions of war criminals given earlier from Mrs. Holtzman's language.

Is that the same definition that you are applying who should and shouldn't be brought into the country?

Mr. Loftus. No. Congress had a rather different definition, the Displaced Persons Act. Not only Nazi war criminals, anyone who was a member of a Nazi government, or even a member of a movement hostile to the United States, should all have been barred. That was the law at the time of their admission. It had nothing to do with the 1978 amendment. Illegal entry is determined solely by the definitions Congress used at that time.

Mr. McCollum. You would say that there were many more people in here that the OSI is looking at that would not and should not have been allowed in here?

Mr. Loftus. If they were to compile a list of Axis collaborators, they would need 100 times the staff they have.

Mr. McCollum. The GAO report turned up evidence that we did bring in people involved in the Nazi work. Probably you could infer from that, there was an intentional pattern to do that, whether it was organized clearly or not. What they were saying to us by the charge we gave them, war criminals, I assume they were following the same definition OSI was, no organized effort that they could unearth to bring intentionally in people who fell within the definition as they were interpreting it. I think that is a much more narrow definition that you are using.

Mr. Loftus. Yes. The Nuremberg definition included all of these Eastern European Fascists organizations as criminal organizations and depending on which definition of war criminal you use, you get different responses.

Under any definition, any stretch of the imagination, the people whose records I saw that were brought in were war criminals. Stanislav Stankievich was condemned on the floor of Congress.

Mr. McCollum. I won't argue with that. When you said at the beginning of your testimony, there is prima facie evidence, a written program, FBI documents, probably we could all conclude there was if we use your definition. We are going by their definition, OSI's definition was much narrower than you are using when you made that statement.

Mr. FRANK. If the gentleman from Florida is correct, the GAO made a serious error. This is something all of us are familiar with. The standard of proof you need to keep someone out in the first place is not nearly the same as what you need to take someone who is already here, may have American citizenship and take it away from him. Once the protection of the American Constitution attaches, you have a higher standard of proof. We are talking in the case of, as to whether some of these people were allowed in in the first place.

Mr. MCCOLLUM. Would the gentleman yield on that?

Mr. FRANK. I don't have much time. It was all collaborators. That defense of the GAO fails. It was collaborators, and even if it was, whatever it was, there are two separate issues here. What is your group of people and the standard of evidence and a broader standard of evidence is allowed when you talk about keeping someone out in the first place, than when you take someone in here and try to deport them.

The statement that they found no program that was specific, I am disappointed in that statement. Mr. Loftus, you gave all the names to the GAO that you had that would have been relevant.

Mr. LOFTUS. Yes, sir; I offered to provide the GAO with the location of certain of the files.

Mr. FRANK. It seems to me for reasons I can't understand, the GAO was looking to narrow the charge and why it took them 3 years to do that would be particularly puzzling. We withheld from any pressure.

OSI would only deal with individuals who were alive. So people who died before 1979 would never been in the OSI reference file?

Mr. LOFTUS. Yes, sir; Mr. Sher is also not aware of those intelligence cases that were handled before he became Director of OSI, because there were in fact several cases that OSI was involved with.

Mr. FRANK. His job is to find these people, prosecute the individuals, and get them out, not deal with the policy implications. Your sense is there were in fact systematic efforts, efforts by agents of the U.S. Government to violate in effect American law and bring Nazi collaborators, criminals and others into the country.

Mr. LOFTUS. No doubt of that.

The GAO report has confirmed that we recruited Eastern European and Fascist groups, political organizations, collaborators. If we are paying them in Europe and their checks get sent to South River, NJ, does that not suggest knowledge of a mass immigration? The State Department knew in advance of the mass immigration, knew that these ethnic groups were former Nazi public governments, knew that they intended to immigrate to America. The real conspiracy is one of silence.

Mr. FRANK. We got to go vote. I am convinced we have to do more about this. If the checks were being sent to South River, today we have American banks doing that so they can hold on to the consumers' money for another 1½ years.

Mr. MAZZOLI. The gentleman from California.

Mr. BERMAN. I don't really have specific questions.

I would lke to hear you talk a little more about some of this. I find it very interesting.

Mr. LOFTUS. The essence of this was some very well intentioned people in our State Department decided that the British program was right; that the best way to fight the Communists was to recruit the Eastern European Fascist groups that had the most recent anti-Communist experience.

Their British colleague was Kim Philby, the Soviet spy, and it was he who convinced our State Department to bring each of these groups to the United States and employ them; and we did employ them subsequently, and prior while they still were in Germany we employed each of these Nazi ethnic groups and used them for covert operations. They were a disaster.

It started off as a very small program helping to directly assist a few VIP Nazis and became problematical. Once men like Stankievich came in, how could they be prevented from sponsoring their fellow Nazis to come in? The problem got out of hand, and illegal immigration took on a snowball effect. We sort of backed into this problem. During the 1970's, the Nazis were starting to migrate up here from South America.

There was a question earlier about, well, did we assist many in any way in the immigration process. Yes, if you pull President Ostrowsky's immigration file, his citizenship application was first blocked. A second hearing was held in which his citizenship was allowed, but only after it was determined that he had performed substantial assistance to intelligence agencies.

In hindsight, every member of the U.S. intelligence community that I talked to had this conclusion: That using these Nazi groups in Europe did us far more harm than good. They sold us out. They betrayed us. One of the things GAO was unable to do was to talk to the very men that had run these programs. GAO could not guarantee them that there would be immunity. My phone rang off the wall with retired agents, former members of the intelligence community, who themselves suggested other records, other programs that the GAO never even had access to. The GAO tried very hard, but this report should have been written in 3 months, not 3 years.

Mr. MAZZOLI. Thank you very much, Mr. Loftus. At this point the subcommittee stands adjourned.

[Whereupon, at 3 p.m., the subcommittee adjourned, subject to the call of the Chair.]

ADDITIONAL MATERIAL

RESPONSE TO QUESTIONS SUBMITTED BY THE SUBCOMMITTEE

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 28, 1985.

Hon. EDWIN MEESE III,
Attorney General, Department of Justice,
Washington, DC.

DEAR MR. ATTORNEY GENERAL: The Director of the Office of Special Investigations of the Criminal Division, Neal Sher, appeared as your representative at our Subcommittee hearing on October 17, 1985 regarding GAO report GGD 85-66.

Due to time constraints, there was not sufficient time for the Subcommittee to obtain all the information it required. I am, therefore, enclosing a series of questions which will serve to complete the record of the hearing. I would be grateful if replies to these questions could be received as promptly as possible.

On behalf of the Subcommittee, I wish to thank you for your cooperation.

Sincerely,

ROMANO L. MAZZOLI,
Chairman, Subcommittee on Immigration, Refugees, and International Law.

U.S. DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,
Washington, DC, January 24, 1986.

Hon. ROMANO L. MAZZOLI,
Chairman, Subcommittee on Immigration, Refugees, and International Law, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of October 28, 1985, to the Attorney General concerning the appearance of Mr. Neal M. Sher, Director of the Office of Special Investigations, before your Subcommittee hearing on October 17, 1985, regarding GAO Report GGD 85-66.

In view of the fact that time did not permit your Subcommittee to obtain all of the information it required, you submitted a series of questions to be answered to complete the record of the hearing.

Enclosed please find your list of questions with our responses provided by Mr. Sher. We trust that this now adequately addresses the concerns of your Subcommittee. Please do not hesitate to write or call if I can be of further assistance to you.

With kindest regards and best wishes for the New Year, I remain,

Sincerely,

MARK M. RICHARD,
Deputy Assistant Attorney General, Criminal Division.

Enclosures.

RESPONSE TO QUESTIONS POSED BY THE SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND INTERNATIONAL LAW

Question 1. Of the 900 cases that have been investigated by OSI, can you advise us how many were:

(A) Assisted by U.S. government agencies in entering the U.S.;

(B) Were used and/or employed by U.S. government agencies prior to or after arrival in the U.S.;

(C) Were protected from denaturalization or deportation by any U.S. government agency at any time during the course of an OSI investigation;

(D) Admitted under the CIA's 100 numbers authority;

(E) Were admitted in violation of the Truman Directive; or

(F) Were admitted under Operation Paperclip.

Answer. It is important to note that of the 900 or so cases investigated by OSI, there might well be some (in general response to this question) that fall into one or more of the various separate parts of this question. In some instances, it is possible that the allegation of war crimes participation was too vague or nebulous to warrant further pursuit or it was determined that the subject of the investigation was deceased and therefore, the line of inquiry was discontinued.

(A) Based on our current appreciation of the facts, there were at least three (3) individuals who were assisted in entering the U.S. by U.S. Government agencies.

(B) We do not know how many were used and/or employed by U.S. Government agencies prior to or after arrival in the U.S.

(C) No one was protected from denaturalization or deportation by any U.S. Government agency at any time during the course of an OSI investigation.

(D) Two (2) were apparently admitted under the 100 Persons Act.

(E) We know of only one (Arthur Rudolph) who apparently was admitted in violation of the Truman directive.

(F) Approximately eight (8) were admitted under Operation Paperclip.

Question 2. In any of the 900 cases, did any U.S. government agency ever falsify documents or intentionally misrepresent facts to the admitting authority (i.e. INS or State Department)? Were any admitted as a result of the improper issuance of either immigrant or nonimmigrant visas? Were any of these persons naturalized with the assistance of U.S. government agencies?

Question 3. If the information requested in questions 1 and 2 above is not available, would it be possible to screen your 900 case files to obtain such information? How long would such a review take? Would additional personnel be required to con-

duct such a review? How difficult would it be to conduct such a review? Would OSI have any objection to GAO reviewing your 900 case files to obtain this information? To your knowledge, how many of these 900 cases were reviewed by GAO?

Answer. It is very difficult at this time to determine whether government agencies intentionally falsified documents. It is possible that a review of our 900 investigative files might provide more answers. GAO, in fact, had access to those files and to the best of our knowledge some of them were in fact reviewed. I should emphasize that a review of our investigative files might not provide the information needed to answer this question since many of these files do not contain a lot of information. Moreover, merely examining our files would not necessarily reveal whether agencies misrepresented facts to the admitting authority.

Question 4. How many cases have been opened by OSI as the direct result of GAO's 2 reviews on this matter?

Answer. Nine cases have been opened, four are still pending (the other subjects died).

Question 5. Can you please indicate whether you agree with GAO's conclusion that 459 aliens immigrated to this country under Operation Paperclip? How many of your 900 cases involved Paperclip aliens? Did Operation Paperclip violate the Truman Directive? Did the program violate the Displaced Persons Act of 1948 and the Refugee Relief Act of 1953?

Answer. There are indications that 642 scientists had entered this country under several programs collectively known as Operation Paperclip. As mentioned before, in addition to the Rudolph case, we now have approximately eight individuals under investigation who entered the country under Paperclip. Operation Paperclip itself did not violate the Truman directive. The Truman directive in effect stated that anybody who was engaged in war crimes was not eligible to come in under Paperclip. Indeed, under regulations which were operative under the Paperclip project no one was to have been allowed to emigrate to the United States if they had been guilty of, or who had advocated or acquiesced in, activities or conduct contrary to civilization and human decency on behalf of the Axis countries during World War II. It should be noted that one need not have been convicted of any crime to have been covered by this exclusion. Indeed, former Secretary of War Kenneth C. Royall in response to Rabbi Stephen S. Weiss, who was then president of the American Jewish Congress, stated that "no known war criminal, ardent Nazi or profiteer or notorious supporter of Nazism or militarism is eligible under this project."

Question 6. Has OSI, during the course of its operations, been able to identify any specific or organized program which resulted in U.S. government agencies providing immigration assistance to Nazis and their collaborators? Is Operation Paperclip the only such program that you have encountered during your investigative and prosecutive activities?

Answer. We review individual cases; our focus is not on trying to discover any organized program to improperly bring into the United States Nazi war criminals. Our case by case review, however, has not uncovered organized programs designed to provide immigration assistance to Nazi criminals.

Question 7. Have any U.S. government agencies ever failed to provide you with information that you have requested? Have any ever withheld derogatory information or information relating to their private contacts with aliens under investigation? To your knowledge, have you ever heard of or identified any instances where information was falsified to expedite the admission of a Nazi war criminal as an immigrant or nonimmigrant?

Answer. OSI has not in anyway been impeded in its efforts to investigate Nazi war criminals. We are unaware of any agency failing to provide us with requested information or withholding derogatory information regarding an individual.

Question 8. What were the circumstances that led to the admission of Mr. Soobsokov (a closed case) to this country? To your knowledge, was this an intentional oversight by the Department of State?

Answer. The circumstances surrounding the Soobzokov case are contained in a press release issued by OSI in 1980.

Question 9. What elements must be present to classify an individual as a Nazi war criminal? Is membership in any of the Nazi party branches, such as SD, Waffen SS, Gestapo, etc., sufficient to charge a person with being a Nazi war criminal?

Answer. As Mr. Sher indicated during his testimony, individuals fall within OSI's mandate if, while acting on behalf of or in conjunction with the Nazi regime, they advocated or assisted in the persecution of individuals on account of race, religion, national origin or political opinion. There are, indeed, certain organizations and units membership in which constitutes assistance or advocacy of persecution. For instance, the United States Supreme Court in the case of *United States* v *Fedorenko*

ruled that service as a guard at the Treblinka death camp constituted assistance in persecution. In fact, OSI has pursued individuals who were members of military and paramilitary and police units which were known to have been engaged in atrocities during World War II. However, mere membership in a Nazi party would not, in and of itself, constitute a basis for prosecution by OSI.

Question 10. How many Germans have been investigated and prosecuted (charged) by OSI as Nazi war criminals? Why do most of OSI cases involve non-German nationals?

Answer. Approximately eight individuals against whom OSI has brought charges were either Germans or ethnic Germans. There are quite a few non-Germans and ethnic Germans against whom OSI has brought charges because of the fact that in the Eastern occupied territories there were non-Germans—i.e. members of the local ethnic communities—who were engaged in persecution and wholesale murder in conjunction with the Nazis. Many of these individuals from the Baltic States, the Ukraine, White Russia and elsewhere volunteered for military and para-military units whose sole purpose was to annihilate Jews and others deemed to have been enemies of the Third Reich.

Another sad but undeniable fact of history is that many of these individuals fled westward under the protection of the Nazi forces and made their way to Displaced Persons Camps, the very facilities which were designed to house and care for the victims of Nazi persecution. Unfortunately, some of the persecutors themselves, taking advantage of the cold war atmosphere, ultimately found their way into these camps and were able to enter the United States through fraud and misrepresentation. A number of these people are under investigation by OSI. However, as mentioned before, approximately eight or nine individuals against whom OSI has taken action are either German or ethnic Germans. This represents approximately 18% of our litigative cases.

Question 11. As time goes on, the OSI caseload must out of necessity decrease—what statistics can you present to support this thesis by citing number of new cases each year, cases closed because of the death of the subjects? Have you any forecast as to when OSI will run out of cases because of the demise of the war criminals who came here after the War?

Answer. Although one would anticipate that as time goes by our work would diminish because of improved, more efficient investigative techniques, our caseload has actually been increasing. For example, we have undertaken a major effort to uncover, on our own, Nazi persecutors who might be living in the United States. We have combed archives the world over to try to find lists of individuals who worked at the various concentration camps and served with the military units which engaged in murder and persecution. In 1984 we opened 91 cases and in 1985 we opened well over 150 cases for investigation.

Question 12. In view of the difficulty in resolving many of the issues that we are discussing here today, what is your view on:

(1) Congressional creation of an independent Commission with subpoena powers to determine the extent of U.S government involvement in admitting Nazis;

(2) A continuation and intensification of GAO's review of this matter; or

(3) OSI undertaking a complete and thorough examination of this issue.

Answer. With respect to an independent commission, we see several problems which might result should such a commission be created. Although we believe, of course, that the issues raised are serious ones we are very much concerned that OSI be able to fully fulfill its mission and mandate. It seems to us that the important action to be taken now is to see that Nazi criminals in this country are uncovered and action taken against them. In the final analysis, of course, the decision to create this proposed commission is up to Congress.

STATEMENT OF ALLAN A. RYAN, JR., DIRECTOR, OFFICE OF SPECIAL INVESTIGATIONS, DEPARTMENT OF JUSTICE

I have today asked the United States District Court for the District of New Jersey to dismiss the lawsuit that this Office filed last December seeking the denaturalization of Tscherim Soobzokov of Paterson, New Jersey. It is a step I take only after concluding that the law and the evidence leave me no choice.

In the complaint that we filed in December, we alleged that Mr. Soobzokov had concealed certain World War II affiliations when he applied for a visa to emigrate to the United States in 1955. Specifically, we alleged that he had been a member of a Waffen SS unit, that he had been a member of the police force in his native town of Tachtamukai, in the Caucasus region of the Soviet Union, and, finally, that he

had been a member of the so-called North Caucasian Legion, a military unit affiliated with the German forces. We charged that he had concealed his connection with these three organizations when he applied for a visa, and again when he applied for naturalization in 1960. Evidence has since come to light, however, that leads me to conclude that in fact he did disclose his affiliations with these organizations in the course of applying to enter the United States.

Before detailing this evidence, and the way in which it came to light, it is important to make two points. First, we did not allege that Soobzokov had actually taken part in the persecution of any person because of race, religion, or political belief. Such accusations had been made by others, but we did not believe then that we had sufficient evidence to prove that Mr. Soobzokov had in fact taken part in persecution. If our investigations, which are not yet closed on this question, reveal evidence sufficient to prove such persecutions, we will file a new action based on that evidence.

Second, under the law, we cannot base a denaturalization action on membership in the Waffen SS, the North Caucasian Legion, or the Tachtamukai town police as such. Under 8 U.S.C. 1451, we can proceed only on a showing that defendant concealed his affiliation with such organizations, and our complaint was predicated on that alleged concealment.

Prior to filing this action, we conducted a thorough investigation and satisfied ourselves that Mr. Soobozkov had concealed these facts. Specifically, we consulted the available documents of the Immigration and Naturalization Service, the Federal Bureau of Investigation, the Department of State and the Central Intelligence Agency. We discovered no document in which the defendant had disclosed his connection with the Waffen SS, the North Caucasian Legion or the Tachtamukai town police. Accordingly, we filed suit on December 5, 1979, alleging his failure to do so and alleging further that, as a matter of law, these facts were material to his qualifications for citizenship and that his failure to disclose them was therefore grounds for revocation of that citizenship.

In April of this year, when preparation for trial was well underway, the defendant's attorney revealed for the first time a document that, according to him, demonstrated that in fact the defendant had disclosed the facts we had charged him with concealing. This document, a copy of which is contained in our filing with the court today, is captioned "Personal Data Form" and is identified as a "Form V-30." The defendant has since testified under oath that consular officials at the American Embassy in Amman, Jordan, where the defendant was then living, gave him this form in 1952, as part of his application for an immigrant visa. On this form, as defendant produced it to us, is listed over his signature his affiliation with the Waffen SS, the North Caucasian Legion, and the Tachtamukai town police.

I directed that a thorough investigation be conducted by this Office to determine the validity of the Form V-30.

We provided copies of this form to the State Department and the Central Intelligence Agency and requested that those agencies determine if such a form had ever been produced in the process of defendant's emigration to the United States. The State Department has informed us that, after a thorough review of its files, it can find no evidence that such a form was filled out by the defendant. This conclusion, however, is subject to two substantial qualifications. First, many of the files on applications for immigrant visas from the mid-50's have since been routinely destroyed. Second, the State Department cannot state that a Form V-30 was not in use in Amman during the mid-50's or that the defendant did not complete such a form.

On the other hand, the Central Intelligence Agency advised us that it had in its possession a copy of the Form V-30 itself as defendant had produced it to us, and a copy of an operations memorandum, dated August 3, 1953, from the American Embassy in Amman to the Department of State. This operations memorandum, a copy of which is being released today, sets forth essentially the disclosures that defendant made on the Form V-30 and asks for an advisory opinion on what should be done with Mr. Soobzokov's application for an immigration visa. The CIA also had a cover letter from the State Department to the CIA dated August 18, 1953, forwarding certain materials and soliciting the CIA's views on the matters disclosed therein. Such requests were routinely made of the CIA at that time. Apparently the CIA had no derogatory information regarding the defendant, for he was ultimately granted a visa.

When the CIA turned over these documents to us, we reinterviewed the consular officials who had been in Amman during the time that the defendant's application for a visa had been pending. Neither of these officials could recall specifically the defendant or his application for a visa, but both stated to us that the Form V-30

appeared to be one that was in use in Amman during that time and, moreover, that the operations memorandum that had apparently been sent from Amman to the Department of State in Washington was indeed an example of the standard operating procedure that had been followed at that time in cases where an applicant's eligibility for a visa was uncertain or where authoritative guidance was needed.

Finally, we are satisfied as a result of our investigation that the typewriter used to complete the Form V-30 is one that could well have been in use in Amman during the period in question.

It is seldom possible to recreate precisely and beyond question a course of events that is more than 25 years old. Nonetheless, I am satisfied that the most likely hypothesis, given the known facts, is that Soobzokov completed a Form V-30 that was given to him in Amman as part of the process of applying for an immigration visa, that he disclosed his affiliations with the Waffen SS, the North Caucasian Legion and the Tachtamukai town police, that this form was transmitted to the State Department together with the operations memorandum from the Embassy in Amman seeking guidance from the Department of State, and that it was received by the Department of State. Under these circumstances, I cannot in good faith proceed with a prosecution that charges him with failure to disclose those facts.

Some may find it ironic that we must terminate this litigation because the defendant admitted his affiliation with organizations loyal to the Third Reich. But that, in my opinion, is the law, ironic or not, as it applies to this case. Nothing in our action today, or in this statement, applies to any other case, present or future.

The question might well arise whether Soobzokov had any independent connection to the Central Intelligence Agency apart from the fact that the State Department apparently forwarded to that agency the information I have described above. I am aware that a claim of such a connection has been made in the public media. My answer to such a question is simply that I am not at liberty to reveal any such connection, if it exists, in this case or in any other case. I will state what is more to the point: My decision to seek dismissal of the complaint in this case, or in any other case—and indeed my decision whether or not to institute a proceeding in any case—is entirely independent of whether or not an individual has any connection with the Central Intelligence Agency or any other government agency. I will also state that the CIA has not directly or indirectly sought to influence the decision to institute this case or to withdraw it. On the contrary, the CIA has been responsive to the requests we have made in our investigations. I take this occasion to restate what has been my determination since I came to the Office of Special Investigations in January: a decision to file legal proceedings, and necessarily any decision to withdraw proceedings once filed, will be made on the evidence and the law.

The question might also arise why the CIA did not produce the three documents in its possession when we were investigating this case prior to filing it, considering that this material was then in its custody. The CIA has stated that it was not, and is not, free to release such "third-party documents"—that is to say, documents that the CIA did not originate but which came to it from the State Department—but that it indicated the existence of these third party documents to us by information disclosed in the course of our investigation. It is my conclusion, in this case, that these means were inadequate to put us on notice that such documents indeed existed. I have since discussed the matter with responsible officials at the CIA and we have modified the means of disclosing the existence of such third-party documents to preclude any repetition of this situation. I am satisfied that the shortcomings in the procedures used in this case were nothing more than a legitimate misunderstanding of what was necessary to make such full disclosure to us. As a result of my discussions with the CIA, I am confident that this situation will not be repeated in any future case.

One final point must be made. The complaint in this action charges the defendant not only with failing to disclose his affiliation with the three organizations mentioned, but also with failing to disclose certain convictions in the Soviet Union prior to World War II. It was our expectation, prior to filing this case, that evidence would be forthcoming sufficient to show, clearly and convincingly, the nature of those convictions, the underlying acts that gave rise to them, and the sentences that were imposed.

After reviewing the evidence that has become available to us, I am not satisfied that we can prove, by the high standards required in denaturalization actions, the existence of the allegedly concealed convictions or the acts that gave rise to them. Accordingly, I have asked the court to dismiss these counts of the complaint as well. This decision is independent of the decision on the counts charging concealment of defendant's wartime affiliations.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 28, 1985.

Hon. CHARLES A. BOWSHER,
Comptroller General, General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: I stated at the end of the GAO testimony at the Subcommittee's hearing of October 17, 1985 on report GAO/GGD 85-66 that it was my intention to send you questions which were not asked due to time constraints.

I would be grateful if GAO could supply answers to the enclosed questions as promptly as possible so that they can be included in the official hearing record.

I thank you for your cooperation both in the appearance of your representatives and the attention given to this request.

Sincerely,

ROMANO L. MAZZOLI,
Subcommittee on Immigration, Refugees, and International Law.

U.S. GENERAL ACCOUNTING OFFICE,
Washington, DC, December 18, 1985.

Hon. ROMANO L. MAZZOLI,
Chairman, Subcommittee on Immigration, Refugees, and International Law, Committee on the Judiciary, House of Representatives.

DEAR MR. CHAIRMAN: During testimony on GAO's report Nazis and Axis Collaborators Were Used to Further U.S. Anti-Communist Objectives In Europe—Some Immigrated To The United States GAO/GGD-85-66, you requested that we respond to criticisms of our report raised by the District Attorney of Kings County, New York, Elizabeth Holtzman and former Justice Department investigator John Loftus. Subsequently, you asked us to respond to additional questions. We appreciate your giving us the opportunity to respond to these criticisms and questions which relate mainly to the scope and methodology of our review. Our responses are included herein.

Sincerely yours,

ARNOLD P. JONES,
Senior Associate Director.

Enclosure.

GAO RESPONSE TO HOLTZMAN-LOFTUS COMMENTS ON ITS REPORT

In the main, we feel that the criticism directed at our report by District Attorney Holtzman and Mr. Loftus is undeserved. Some of their comments are speculative or are less than accurate characterizations of statements in our report. For example, Ms. Holtzman infers that one internal intelligence memo quoted in our report referred to former Nazis. It did not. Other examples are the inaccurate statements by Mr. Loftus about subject C and the allied intelligence service noted in pages 30 through 40 of our report.

We are unable to respond to each criticism because, as we have testified, much of the evidence we gathered in performing our work was classified and such information cannot be used here to refute the criticisms. Of course this places us in the position of having to defend against further charges that we are using classified information as an excuse for not fully substantiating our findings. There is little we can do to allay the concerns in this regard. However, we hope that the following clarifications will alleviate the major concerns raised by the Holtzman and Loftus criticisms.

METHODOLOGY

Holtzman and Loftus contend that GAO's case selection methodology was too narrow to deal with the issue. Case selection was only one method we used to accomplish our goal. In addition, we searched for and reviewed numerous intelligence agencies project files looking for evidence of covert projects or classified discussions about Nazi immigrations. These projects files were selected by a number of different means. In some cases we selected files when an individual's file referred to projects in which he was involved; classified project listings were combed to try and identify pertinent projects; projects were selected at random from listings and from boxes

stored in file rooms; and projects were selected based on leads we received from individuals we interviewed, including those provided by Mr. Loftus. As we noted in our report, intelligence agencies' files often have innocuous names that do not indicate the subject matter of the file. For example, it would be difficult to guess that Project Paperclip involved the recruitment of Nazi scientists based solely on the project's name. Any project whose name indicated (in any way we could imagine) involvement with Nazis, Fascist organizations, resettlement etc., was reviewed.

In addition, we interviewed (1) former intelligence officials whose names appeared in files and which indicated their knowledge of projects or of the individuals we investigated; (2) former intelligence officials whose names did not appear in individual or project files but whose positions at that time may have made them knowledgeable of certain projects; (3) former immigration officials who liaised with intelligence agencies; (4) former State Department officials who had policy oversight of intelligence projects; (5) and former intelligence officials referred by other officials as having first-hand knowledge of this period.

This is not to imply that we interviewed every former intelligence officer that we had references to. That would have been far too many given the number who operated during the approximately two decades that our report covers. Thus, we tried to be selective to insure that our work covered various operational areas and periods of time.

It is true we did not examine all the cases investigated by the Justice Department. As part of its procedures the Justice Department routinely reviews intelligence agency files in all of its investigations. Rather than duplicate these efforts, we sought Justice's opinion as to whether any of its investigations indicated intelligence agency involvement with the individuals investigated or their immigrations. As we testified, only one additional case, not previously known to us, was identified in this manner. In addition, in our 1978 investigation we reviewed 110 individuals who had been investigated by Justice.

Furthermore, as our report points out, we performed our work at the FBI, CIA, INS, the National Archives, and the Department of Defense, State, and Justice. Additional information was acquired from the National Archives' Federal Records Center in Suitland, Maryland and the U.S. Army's Central Security Facility at Fort Meade, Maryland. As we testified on October 17, 1985, we reviewed an estimated 150,000 pages of classified documents at the FBI and CIA alone. We believe that the classified and unclassified records we reviewed at the other agencies exceeded that number. These records included some of the "impersonal" dossiers Mr. Loftus criticized us for not reviewing. Additionally, there are other classified areas we have been criticized for not reviewing which were, in fact, reviewed as were individuals who had knowledge of them. If these areas do not show up in our report it is because we did not find any evidence of immigration abuses, despite some of the allegations to this effect.

We can see how some allegations arise. Some documents by themselves clearly indicate questionable activities. However, a review of all the files often clarifies and refutes the initial allegation or at least casts great doubt about the allegations' validity. In short, the initial allegations often do not hold up.

PROJECT PAPERCLIP

There is some validity to District Attorney Holtzman's criticism of our review of Project Paperclip. We did not investigate any Paperclip scientist. We must point out that our objectives were to identify any covert programs designed to aid Nazi war criminals or Axis collaborators. Project Paperclip could hardly be called a covert project. Newspaper articles during the period of recruitment addressed the issue of bringing Nazi scientists, some of whom may have been possible war criminals, to the United States.

As we reported, the procedures for processing the immigration of these scientists and engineers were established by the Departments of State and Justice, the Joint Chiefs of Staff and the military services. Prior to their entry, the military investigated their backgrounds. As our report points out, war criminals and other undesirables were not to be recruited. The procedures also required the Department of Justice and the FBI to review each alien's background before the State Department issued the scientists U.S. entry visas. These procedures appeared sufficient if an alien's complete background could be determined. Unfortunately this was not always an easy matter.

During the course of our investigations and prior to the public announcement that one of the Nazi scientists was alleged to be a war criminal, we discussed Project Paperclip with the Department of Justice's Office of Special Investigations

(OSI) and learned of its investigations in this regard. Because of the ongoing nature of OSI's investigations and to avoid any duplication of efforts, we agreed not to actively pursue any investigation of Project Paperclip; similar agreements had been reached earlier in the cases of Klaus Barbie and Robert Verbelen.

A point of clarification about the date that Paperclip concluded. Our sources show that Project Paperclip ended on September 30, 1947. However, the recruitment of scientists and engineers continued thereafter, but under different project names. The report gives statistics on the recruitment of scientists through April 1951.

REPORT IMPROPERLY APOLOGIZES FOR USE OF FORMER NAZIS

Ms. Holtzman criticized our report for (1) implying that the cold war justified protecting Nazi war criminals and bringing them here, (2) failing to point out the dangers of bringing Nazi war criminals into the United States, and (3) not including any real feeling of the horrendous enormity of the crimes committed by the former Nazis.

Our purpose was certainly not to apologize for the use of Nazis and it is unfortunate that our report was misunderstood on this point. Moreover, describing the enormity of the Nazi crimes was clearly beyond the objectives of our effort. There would be little reason to discuss the Nazi atrocities other than to address those that were alleged to have been committed, or participated in, by the individuals we discuss in the report.

The report presents reasons why some Nazis were used. We believe the question of why they were used is important. These reasons were garnered from interviews and collaborated in part by our analysis of the files. These views were presented in the report to provide background to those readers whose knowledge of immediate post war U.S. intelligence activities, we believed, was probably far less than their knowledge of Nazi atrocities and World War II.

GAO Response to Questions Submitted by the Chairman, Subcommittee on Immigration, Refugees, and International Law

1. METHODOLOGY AND DOCUMENTATION

Question. Why doesn't the report contain more specific information (i.e., direct quotes) from unclassified documents obtained by GAO?

Answer. We include only that information we considered to be pertinent and much of that information came from classified sources. Moreover, the information from these sources still had to be generalized because disclosure of certain information identifying agencies involved with the aliens, the locations of their activity, and the activities with which they were involved is classified.

Question. Was there any effort to declassify any documents used by GAO as a basis for portions of this report?

Answer. We cannot classify or declassify documents nor did we request agencies to declassify any documents.

Question. Why doesn't the report contain an appendix with significant and relevant documents, as was done by Alan Ryan in connection with the Barbie report?

Answer. As stated in our testimony of October 17, we reviewed over 150,000 pages of documents at the CIA and FBI. We believe that we reviewed a similar number if not more at the other agencies included in our review. Beside the large number of documents, most of the relevant ones are classified. Many of those classified also deal with classified matters that are not relevant to our review. Furthermore, whereas Mr. Ryan's report dealt with one individual, ours deals with 12 individuals. Our experience with agencies' declassification procedures has been that declassification takes a long time. In the interests of issuing our report as soon as possible we did not want to incur delay for an unknown length of time until an extensive number of documents were declassified. Also, as noted on page 3 we are identifying certain documentation for the Committee.

Question. Is there any information that GAO has in its possession that can be made available immediately to the Committee? If not, why?

Answer. As we stated in our testimony on October 17, we notified the Committee of over 5,000 pages of documents that it can review. Since that date, we have identified additional documents for the Committee to review.

Question. Since the requested GAO report was intended to be "as detailed and complete as possible" (page 4 of GAO report), wouldn't it be helpful to have any relevant documents made public?

Answer. This is a difficult question to answer without knowing the reasons why the documents remain classified. As a general response, we believe it would be helpful to have as much information as possible made public as long as security concerns are maintained.

Question. On page 5 of your report, it is stated that GAO selected 11 aliens to review from numbers provided by two private sources. What private source provided the names of the aliens?

Answer. As we stated in our testimony of October 17, the two private sources were Mr. John Loftus, a former Department of Justice Office of Special Investigations' attorney and investigator, and Mr. Mark Truitt, a researcher at Yale University.

Question. How were the other 103 aliens selected for review?

Answer. Information in the agencies' files pertaining to the initial 11 aliens reviewed identified many of the other aliens. In reviewing their files, other aliens were identified but not all of their files were reviewed. We reviewed only those files where other information indicated that the aliens may have been Nazis or Axis collaborators or members of Nazi or Fascist organizations who either (1) had contact with or participated in U.S.-sponsored intelligence operations, (2) had immigrated or sought to immigrate to the United States, or (3) were notorious aliens who had an association with a Nazi or Axis collaborator who had been a contact of U.S. intelligence agencies. In addition, some aliens were selected for review because information obtained from intelligence agencies' project or operation files indicated that they were East European or German and were aided by U.S. agencies in immigrating to the United States during the 10-year period from 1950 to 1960 and were old enough to have participated in World War II. Before our review of their files there was no indication of Nazi or Axis affiliations.

Question. Did GAO attempt to review the 900 case files at OSI to determine whether any of these aliens were assisted in entering the U.S., were used by U.S. intelligence agencies prior to or following their admission, or were protected by any agencies from deportation?

Answer. Although we reviewed several of its cases, we did not review all cases at OSI. As part of its procedures OSI routinely reviews intelligence agencies files in all its investigations. Rather than duplicate its efforts, we sought OSI's opinion as to whether any of their investigations indicated intelligence agency involvement with the individuals investigated on their immigrations. As we testified, only one additional case, not previously known to us, was identified in this manner. In addition, in our 1978 investigation we reviewed 110 individuals that had been investigated by the Department of Justice.

Question. On September 12, 1985, Chairman Rodino requested the Committee to be supplied with:

1. All notes, documents, reports of interviews, memoranda, as well as all other documentation, generated independently by your personnel in the course of this investigation.

2. An inventory of all documents of other agencies examined or consulted in the furtherance of the investigation by your personnel which would be subject to the "third agency" rule.

Do third agency or classification problems prevent transmitting these documents to the Committee? Why can't GAO request the agency responsible for the document to declassify it or to waive the third agency rule?

Answer. As stated in our testimony of October 17, we responded to Chairman Rodino by letter dated October 15 regarding similar matters whereby we stated in part that:

"We are separating the workpapers into two groups—classified and declassified. The latter workpapers that we have identified to date consist of about 5,000 pages.

"The classified material we collected was from the Departments of Defense, Justice, and State; the Federal Bureau of Investigation; and the Central Intelligence Agency. We cannot give this material directly to you. Therefore, for each agency, except the CIA, we are compiling an inventory of classified documents received, or excerpts made therefrom, which we will then forward to the appropriate agencies. At that time we will notify you and identify the agency representative your office should contact for access to the classified material.

"The CIA, on the other hand, has a complete inventory of all material furnished to GAO. To discuss access to this material, your office should contact the CIA's Office of Legislative Liaison."

Since our testimony we have completed our inventory of classified documents and will notify Chairman Rodino shortly of the appropriate agency representative.

2. RESULTS OF GAO INTERVIEWS

Question. Your report notes that interviews were conducted with 37 former government officials, including intelligence personnel. Can you please summarize the basic conclusions from these interviews?

Answer. These officials basically stated that during the Cold War period of the late 1940s and early 1950s the various intelligence agencies were collecting data on the East European countries and the Soviet Union from whatever sources were available which could have included Nazis and Axis collaborators. These officials also said that during this time, there was competition and friction between the various intelligence agencies. In addition, they said that they would not be surprised if Nazis or Axis collaborators may have been assisted into this country by U.S. intelligence sources, but to their knowledge there was no specific government program for this purpose. Furthermore, they said that they were unaware of any assistance provided to any Nazi war criminal or collaborator to immigrate to the United States and that most Nazis informants or agents were left in place in Europe.

3. CIA PROGRAMS AND ACTIVITIES

Question. As a result of your reviews, can you advise us as to the total number of alleged Nazi war criminals who entered the U.S. under the CIA 100 numbers program? Are any of these aliens still alive and still in the U.S.? If so, are there any such cases now under investigation for possible denaturalization or deportation?

Answer. Based on GAO's reviews in 1978 and 1985, we are aware of two alleged Nazi war criminals who entered the United States under the CIA 100 numbers program. Yes, one of the individuals is alive and still in the U.S. OSI should be contacted to determine whether the individual in question is under investigation.

Question. On page 29 of your report you note that two aliens were protected from investigation-one, by the CIA, for national security reasons. Were these protective efforts appropriate and lawful?

Answer. We did not make any determination as to the legality of such actions, however, we question whether such actions were appropriate.

Question. How many instances were you able to identify during your two reviews in which intelligence agencies refused to provide or failed to provide INS with complete background information on an alien, including any instances where derogatory information was withheld?

Answer. In our 1978 report we noted that federal agencies will provide information to other federal agencies when such information will not disclose confidential sources. Also, we noted that we did not evaluate this policy or whether providing this type of information would have assisted INS investigative and prosecutive efforts. In addition, we stated in our report that the information that we reviewed regarding such individuals and the information they may have provided, as well as the identities of individuals who were employed, have been classified by the individual agencies.

In our 1985 report we found that two individuals were protected from investigation. Also, in another case we noted that OSI found that prior to an individual's naturalization, no intelligence agency had provided INS with derogatory information on the subject, although background checks were requested and derogatory information was available in their files.

Question. On page 2, you identify specific CIA programs to resettle Soviet and East European defectors. You also indicate that 30 percent of aliens in this program were brought to the U.S. in accordance with U.S. immigration law. Were any of those brought to the U.S. alleged Nazi war criminals and were any of them the subject of an OSI investigation at any time? How do you conclude that "U.S. immigration laws were respected"?

Answer. Based on the documentation we reviewed (individual's background checks; other agencies' records; and program interagency coordination procedures), we found no evidence that any of the individuals admitted under these programs were considered either alleged Nazi war criminals or to be undesirable or questionable. In addition, we did not identify any effort through these programs to subvert the immigration laws.

Question. You indicate that another CIA program was initiated in the mid-50s to bring certain intelligence sources to the U.S. and that procedures were instituted to ensure that any such aliens were actually eligible to immigrate to this country. What were the specific screening procedures that were established and were they adequate to prevent the admission of Nazis and Nazi collaborators?

Answer. The specific screening procedures established included checking various record systems such as:

1. various German police and court files
2. U.S. German Mission files
3. U.S. Displaced Persons Commission files
4. High Commissioner of Germany court records and security section records
5. Army Criminal Investigation Division files and U.S. Counter Intelligence Corps files
6. U.S. Air Force, Office of Special Investigation files, and
7. U.S. Consular checks.

In addition to record checks, medical and psychiatric assessments, case officer assessments, and polygraph tests were performed. These procedures although extensive would not always be adequate to prevent an undesirable admission especially if the alien came from an Eastern European country where records about his background could not be accessed.

Question. On page 5 of your statement you indicated that the backgrounds of persons brought in by the CIA were sanitized in two cases. Can you please elaborate on the sanitization of these files? Was derogatory information deliberately withheld from the Justice Department?

Answer. As previously stated, in one of the cases we noted that we were unable to identify any action taken by an intelligence agency once it learned of derogatory information about one alien's wartime background. This information was discovered subsequent to the alien's assisted immigration. From the information in the files we could not determine if such inaction was deliberate either on the agency's part or by the individuals who noted the derogatory information.

In the second case, the subject was considered extremely valuable by U.S. intelligence. Because of fear for his personal safety and his familiarity with U.S. intelligence operations, the CIA brought him to the United States under an assumed name. Before his immigration, the CIA provided INS with some details of the subject's background including that he had been sentenced to death for nationalistic activities. However, his true identity was not disclosed. About 2 years after his entry and after learning his true identity, INS informed the CIA that it was investigating the subject and that the investigation could lead to the subject's deportation. According to the CIA file, INS had learned that the subject's conviction had been for involvement in an assassination and that allegations of terrorism existed against him.

Subsequently, the CIA requested approval for the subject's permanent residence in the United States under Section 8 of the CIA Act of 1949 which allows the CIA to bring 100 individuals a year to the United States for national security reasons regardless of their past. The request included a justification which contained details about the subject's background including his assassination conviction and the alleged terrorism acts. In 1952, the Director of Central Intelligence, the Attorney General, and the Commissioner of INS agreed to admit the subject in the interest of national security without regard to his inadmissibility under any other laws.

4. GOVERNMENT POLICY ON NAZIS AND SCREENING PROCEDURES

Question. On the first page of your statement, you indicate that U.S. policy was not to employ war criminals, but you make no reference to the U.S. government policy on admission of war criminals. Can you elaborate as to our government's postwar policy on both of these matters (i.e. employment and admission)?

Answer. Because of the perceived Communist threat, the resulting time-critical need for intelligence, and the United States' lack of an espionage network in Eastern Europe, U.S. intelligence used anti-Communist resources that had immediate intelligence potential. These resources included former German and East European intelligence operatives and East European emigre political groups with contacts in Eastern Europe. Although the aliens employed could have been Nazis or other Fascists, former intelligence officers told us that it was generally agreed that alleged war criminals would not be employed. On the other hand, these officers did not know of any guidance prohibiting the use of such aliens and we found none. According to the Department of Justice's 1983 report on Klaus Barbie and the results of our investigation, individuals alleged to be war criminals were used by U.S. intelligence agencies.

As noted on page one of our report, the Refugee Relief Act and the Displaced Persons Act as amended, contained provisions for barring entry to those who had advocated or assisted in the persecution of other persons on the basis of race, religion, or national origin. Section 13 of the Displaced Persons Act, as amended on June 16, 1950, provided that

"No visas shall be issued under the provisions of this Act, as amended, . . . to any person who advocated or assisted in the persecution of any person because of race, religion, or national origin."

We further noted that in practice, it was difficult to exclude "alleged" war criminals and collaborators from immigrating into the country under the Immigration and Nationality Act, 1952, the permanent immigration law of the United States. (Convicted war criminals were barred under this act.) Accordingly, the Immigration and Nationality Act, 1952, was amended on October 30, 1978, to exclude from admission into and to deport from the United States all aliens who, between March 23, 1933, and May 8, 1945, persecuted any person on the basis of race, religion, national origin, or political opinion under the direction of or in association with the Nazi government of Germany; any government in any area occupied by Nazi Germany; any government established with the assistance or cooperation of Nazi Germany; or any government which was an ally of Nazi Germany.

In addition, no known, or alleged war criminals were to be brought to the United States under a Presidentially approved project to aid our postwar military research. This project, initially called Overcast but renamed Paperclip, authorized the recruitment and short-term employment in the United States of German scientists and engineers.

The Departments of State and Justice, the Joint Chiefs of Staff, and the military services established the procedures for processing the immigration of these scientists and engineers. Prior to their entry the military investigated their backgrounds and aliens who could be considered war criminals or undesirables, including active participants in the Nazi regime, were to be screened out. According to the War Department's Chief for Intelligence, membership in the Nazi party before 1933, party leadership at any time, conviction by a denazification board, charges or conviction of a war crime, or a criminal record were all presumptive evidence of ineligibility under the program.

Question. On page 27 of your report, you note that as a result of interviews with former intelligence officials, it was indicated that procedures were instituted to require in-depth security checks before aliens were assisted in entering the U.S. How extensive was this concern in the early 1950s?

Answer. We have no basis for evaluating the extent of this concern in the early 1950s.

Question. In spite of the Nazi war criminal exclusion provisions in the Displaced Persons Act and the Refugee Relief Act, do you believe sufficient attention was paid to background investigations and clearances in these cases? Did the Consuls pursue their jurisdiction in approving documents or visas to come to the U.S. with sufficient attention? Did you perceive any relaxation in Consular processing because of external pressures?

Answer. Based on our two reviews it appears attention was paid to background investigations. However, as noted in our 1978 report, Displaced Persons Commission and Army records in INS files indicated that individual investigations were somewhat limited apparently because information and records about these individuals had been destroyed during the war or because information and records on individuals were from countries under Soviet jurisdiction and could not be obtained.

We have no overall basis for which to comment as to whether the Consuls pursued their jurisdiction in approving documents or visas to come to the U.S. with sufficient attention. It appeared that there may have been relaxation in consular processing specifically with regard to subjects A and C included in our 1985 report.

Likewise, in our 1978 report we noted that in the late 1940s, two Department of State Consular officials stated in a memorandum that they waived a clearance for an individual and approved his visitor's visa due to the apparent interest in his trip of another Embassy section and of another Federal agency and to the fact the individual was recommended by persons in whom they had confidence. Shortly after the individual entered the country, he was arrested and subsequently deported by INS because his entry was found to have been prejudicial since he had advocated and acquiesced in activities contrary to decency in behalf of the Axis countries during World War II. From our review of the files, it appeared that the other federal agency was aware of his wartime involvement prior to his entry.

Question. How about INS, were they required to approve the admission of these refugees and displaced persons? How efficient do you believe they were in seeking out inadmissible persons? Were not INS officials stationed abroad to approve these cases before they were allowed to proceed to the U.S.? In your opinion, were they deceived by other U.S. agencies?

Answer. INS was required to approve the admission of refugees and displaced persons and had officials stationed abroad to assist in approving cases before individ-

uals were allowed to proceed to the United States. In our 1978 review we noted that the U.S. Army and the Displaced Persons Commission did the background investigations on some of the individuals. However, Commission records, except for those in INS or other agency files, were destroyed in accordance with federal regulations. Commission and Army records in INS files indicated that individual investigations were somewhat limited apparently because information and records about these individuals had been destroyed during the war or because information and records on individuals were from countries under Soviet jurisdiction and could not be obtained.

Under the Displaced Persons Act and the Refugee Relief Act, over 550,000 immigrants entered the country. The majority of cases investigated by OSI concern aliens who entered through legitimate channels—displaced persons and refugee acts. We have no basis for estimating how many of those who entered by this means were ineligible due to past Nazi or Fascist activities.

5. OFFICE OF POLICY COORDINATION

Question. Can you tell us whether the Office of Policy Coordination (OPC) instructed officials in Europe to provide immigration assistance to any intelligence sources it recruited? To what extent were OPC's activities in this regard and the activities of other intelligence agencies identified as providing immigration assistance in violation of the Truman Directive of 1948?

Answer. We did not note any instructions or memorandums whereby OPC instructed officials in Europe to provide immigration assistance to any intelligence sources it recruited? However, we did note instances whereby such instructions were given on a selected basis but we have no basis for estimating the extent of such assistance.

6. OPERATION PAPERCLIP

Question. On page 25 of your report, you state that "with the exception of Project Paperclip, our review of agencies' files did not disclose any program instituted specifically for assisting Nazis or their collaborators to immigrate to the United States." During your two reviews, did you identify any other programs which resulted in the provision of immigration assistance to Nazis and their collaborators, even though the program may not have been specifically instituted for this purpose?

Answer. Except for subject D in our 1985 report, we did not identify any program that was violated in order to bring war criminals to the United States in order to advance program objectives. Generally, individuals assisted were aided as a reward for their assistance to U.S. intelligence objectives (subjects A, B, and C). In the case of subject D, his true identity was withheld as was derogatory information on his background.

7. WAFFEN-SS

Question. Do you have any information regarding the decision by the Displaced Persons Commission to allow members of the Waffen-SS to immigrate to this country? Did this in fact occur?

Answer. Our review concentrated on the U.S. intelligence agencies, and we did not see any reference to such a decision in the intelligence agencies' files. We did not identify any member of the Waffen-SS who immigrated to this country under the Displaced Persons Act.

8. OSI OPENING OF CASES BASED ON GAO REPORT

Question. Did OSI open any investigations as a result of the GAO report?

Answer. During our review we discussed the aliens and their activities with OSI for possible investigation and prosecution. OSI is investigating any allegations or information that any person now alive in the United States might have been involved in acts of persecution during WWII—regardless of possible post-war involvement with intelligence agencies. Because such matters are under investigation, it is not possible to provide any further details.

9. CLASSIFICATION OF DEAD CASES

Question. On page 7 of your report, you note that disclosure of certain information identifying the agencies with which the aliens were involved. The location of their activity and the activities with which they were involved is classified and as such, the information is not included in this report because GAO "wanted to assure an

unclassified report." Does this information remain classified even though the alien in question may be dead? If so, why?

Answer. GAO does not classify or declassify information. The involved intelligence agencies should be able to respond to such questions.

10. EXECUTIVE BRANCH COOPERATION ON GAO INVESTIGATION

Question. On page 6 of your statement, you indicated that you requested appropriate departments and agencies to identify records or other information which would be helpful in carrying out the Judiciary Committee requested investigation. Which agencies were contacted? What specific information was requested and did all the departments and agencies comply to your satisfaction? Can you characterize the nature of the effort made by each of the departments and agencies to identify information that may have been helpful to GAO in its investigation? Did they devote sufficient resources and personnel to researching their own records and files?

Answer. We contacted the FBI, CIA, INS, and the Departments of Defense, State, and Justice. We asked the departments or agencies listed above for any information they had concerning specific aliens, including those documents in their files that were originated from third parties, (i.e., documents obtained from sources outside the agencies holding the file).

To the best of our knowledge, all of the agencies surveyed their records and their surveys appeared to be adequate. For example, the Department of Defense accessed all of their commands for applicable records and the FBI and CIA made over 150,000 pages of documents available for review. It appeared that agency resources and personnel were available to research their records and files, but we are unable to make a judgment as to whether such resources were sufficient.

Question. In your opinion, are all the agencies cooperating to the fullest extent possible with OSI in their present investigations and prosecutions? Are there any off limit areas in any of these agencies which may have hampered your investigation? How about for OSI, are there any off limit areas to them?

Answer. To the best of our knowledge all agencies are cooperating with OSI and we are unaware of any off limit areas. However, we believe it would be more appropriate if OSI responded to this question.

11. FUTURE GAO ROLE

Question. Do you feel that you have completed your investigation or could more be done to shed additional light on the extent of U.S. government involvement in assisting alleged Nazi war criminals enter the U.S.?

Answer. We feel we have completed our investigation. More could be done but as Mr. Jones stated in his testimony—in terms of additional time and effort we would be working at the margin.

Question. Can GAO continue the investigation to this ultimate conclusion or do you recommend an avenue which could answer all the pending questions?

Answer. As previously stated, we believe that in terms of additional time and effort we would not change our overall conclusion which was that GAO did not find evidence of any U.S. agency program to aid Nazis or Axis collaborators to immigrate to the United States.

Question. How many people did you have on this investigation, for how long, what travel was involved to carry it out? Could more personnel have helped?

Answer. We had from two to six people at various times during this investigation over a 3-year period. We traveled throughout the United States as well as to several foreign countries. Additional personnel may have helped the timeliness of our report but could have hindered the ability to identify and associate relevant information at one agency with information identified at another. In investigations such as this one it is important for investigators to develop a broad background across agency lines in order to be able to distinguish pertinent information they review. If too many investigators are assigned, their ability to distinguish and relate pertinent information could be diminished. We believe the number of investigators assigned was appropriate to carrying out the investigation. Had additional investigators been assigned we do not believe their resultant effect would have changed our observations.

Question. Did you have time to examine all the records made available to you? Could you use more time to revisit those where time did not permit?

Answer. We believe that we have answered the Chairman's request and that for any additional time spent we would be working at the margin.

[The following additional materials were submitted by Congressman Frank and are retained in the committee's files. They were prepared for the Holocaust/Human Rights Research Project at the Boston College Law School.]

Mandell, William. "Nazi Persecutors in the United States: Proposed Consolidation of the Denaturalization and Deportation Procedures," Boston College International and Comparative Law Review (1985). Analyzes the overlap between the denaturalization and the deportation process, and formulates a proposal to consolidate these procedures.

Robinson, Donald. "Excluding Human Rights Violators and National Security Considerations" (April 26, 1985). Analyzes national security exceptions to immigration law; explores the possibility that these exceptions may be used to permit the admission into the United States of human rights abusers; recommends more active Congressional oversight.

Ziering, Ira. "Getting to the Merits: Standing and Justiciability Problems in a Congressional Plaintiff Suit Against the F.B.I." (May 13, 1985) Explores Congressional standing to sue an intelligence agency in the event that the agency obstructs inquiries into its activities; concludes that such a suit may be feasible.

Boston College, Boston College Law School, Holocaust/Human Rights Research Project, 885 Centre Street, Newton, MA 02159, (617) 552-4373.

POLAND INCORRECTLY IDENTIFIED BY GAO AS NAZI ALLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. RODINO] is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, on June 28, 1985 the Comptroller General issued a report entitled, "Nazis and Axis Collaborators Were Used to Further U.S. Anti-Communist Objectives in Europe—Some Immigrated to the United States" in response to a request I made in May 1982.

In chapter 1, in the introduction, the GAO stated inter alia, "These collaborators come from countries which allied themselves with Nazi Germany, or Fascist Italy, many of which are now under Communist rule; that is, Latvia, Estonia, Romania, Poland, and Hungary."

Many remember the heroic resistance of the Polish people in defending Warsaw against the Nazi blitzkrieg, the battles in which Polish cavalry fought Nazi Tiger tanks on horseback, the exploits of the Polish Air Force in England and above all, the glorious victory led by Polish troops at Monte Cassino in Italy. These actions, plus the continuous functioning of the Free Polish Government in London certainly remove the label of ally to Nazi Germany from any historical truth.

The Comptroller General acknowledges the error in his reference in the report, and has sent me the following letter:

GENERAL ACCOUNTING OFFICE,
Washington, DC, January 14, 1986.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: On page one, line 12 of our report to you entitled "Nazis and Axis Collaborators Were Used to Further U.S. Anti-Communist Objectives in Europe—Some Immigrated to the United States" GAO/GGD-85-66, June 28, 1985, we inadvertently included Poland in our listing of countries allied with Nazi Germany or Fascist Italy. We trust this letter will assist your Committee in responding to those who have brought this matter to your attention. The appropriate change has been made to our reserve stock of this report. We regret any inconvenience this matter may have caused.

Sincerely yours,

WILLIAM J. ANDERSON,
Director.

I sincerely hope that this public acknowledgement will atone for any offense felt by our citizens and immigrants of Polish ancestry.

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